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MILITARY ASSISTANCE TO CIVILIAN NARCOTICS LAW ENFORCEMENT

ORIGINAL

COMPLETED

HEARINGS
BEFORE A
SUBCOMMITTEE OF THE
COMMITTEE ON
GOVERNMENT OPERATIONS
HOUSE OF REPRESENTATIVES
NINETY-SEVENTH CONGRESS
SECOND SESSION

FEBRUARY 22; MAY 19, 20; AND AUGUST 18, 1982

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MILITARY ASSISTANCE TO CIVILIAN NARCOTICS LAW ENFORCEMENT

MONDAY, FEBRUARY 22, 1982

House of Representatives,
Government Information
and Individual Rights Subcommittee
of the Committee on Government Operations,
Washington, D.C.

The subcommittee met, pursuant to notice, at 2:05 p.m., in room 2247, Rayburn House Office Building, Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English and Thomas N. Kindness.

Also present: Representative E. Clay Shaw, Jr.

Staff present: William G. Lawrence, counsel; Theodore J. Mehl, professional staff member; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. English. The hearing will come to order.

Today we begin the first in a series of hearings on military assistance to civilian law enforcement narcotics interdiction efforts, particularly in the hard-hit State of Florida.

Historically, the United States has not permitted the military to engage in the enforcement of civil statutes. The Posse Comitatus Act, which was enacted following the Civil War, specifically prohibited the Army, and later the Air Force when it separated from the Army, from acting in direct support of, or in the place of, any civilian law enforcement agency. While the Navy was not directly covered by the act, tradition dictated that it, too, be similarly prohibited.

But there is no organization better at detecting hostile air and sea traffic approaching the United States than the military. It's the military's job, and they do it well. In the war on drugs, traffickers are the enemy of our society, and they penetrate our borders almost at will by land, sea, and air. To attempt to apprehend these violators after they have arrived is extremely difficult.

For this reason, the restrictions of the Posse Comitatus Act were relaxed with regard to drug law enforcement in Public Law 97-86. While the military still cannot directly confront and arrest suspected violators, they can now provide direct assistance to Customs, DEA, and other enforcement agencies, in terms of intelligence sharing, loaning of appropriate equipment, training, and operational support.

The relaxing of the restrictions of the Posse Comitatus Act is a major step forward in the war on drug traffic. Civilian law enforcement agencies are unable to do the job adequately with existing resources. In 1974, when I first entered the Congress, only about 10 percent of the illicit drugs being smuggled into the United States were intercepted by the Government. Today, we still intercept only about 10 percent of the drug traffic.

Yet it is apparent that we can do better. When special efforts are made by the Customs Service or the Drug Enforcement Administration, a much larger percentage of illegal drug shipments is intercepted. Unfortunately, this higher level of drug interdiction cannot be sustained because of limited resources.

The military has the ability to provide intelligence to existing law enforcement agencies which will make the resources of those agencies more efficient. It must be emphasized that the military's primary mission takes priority over this potential support. However, I believe that we will find the military's mission and the civilian law enforcement's needs are often compatible.

Everyone is well aware of today's budget constraints. We have an obligation to make the most efficient use of all of our resources. If there is a way to incorporate present military training and operational requirements with the needs of our law enforcement agencies, we must take full advantage.

It is not often that we are able to derive a double benefit from a single expenditure. At the same time that we maintain and improve our military readiness, we can help to eliminate an illegal activity that is draining our economy. The advantages to the military, to the State of Florida, and to the health and well-being of the entire country are apparent.

I recognize that we must proceed cautiously in using the military in civilian law enforcement. The concerns that led to the passage of the original Posse Comitatus Act are real and cannot be ignored. However, the role of the military in drug enforcement activities has been properly qualified in the new law, and I have no doubt that the military can carry out its new role without endangering civil liberties or changing the function of the military in our society.

At the same time, we must also recognize the need for speedy implementation of the new authority. The volume of illegal drug importation is enormous. Estimates are that as much as 26 pounds of heroin, 289 pounds of cocaine, and 90,000 pounds of marihuana arrive in this country every day. The need for action is immediate.

We will review today the possibility of using ongoing military training and operational activities, to assist Customs Service efforts in interdicting drug traffickers into Florida.

Specifically, we wish to explore these possibilities: the use of present training and operational AWACS missions that fly in the Florida area; the redirection of training flights of the OV-1 aircraft with its unique surface detection capabilities; and use of NORAD radar facilities in the Florida area by the U.S. Customs Service for aircraft identification purposes.

Our first witness today is Mr. James J. Juliana, Principal Deputy Assistant Secretary of Defense for Manpower Reserve Affairs and Logistics, Department of Defense.

Mr. Juliana, you may proceed with your statement. I certainly want to welcome you here today.

Thank you.

STATEMENT OF JAMES JULIANA, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, MANPOWER, RESERVE AFFAIRS, AND LOGISTICS, DEPARTMENT OF DEFENSE, ACCOMPANIED BY NAVY: COMDR. WILLIAM T. HOOD, CAPT. THOMAS K. WHITTAKER; ARMY: BRIG. GEN. JAMES S. MOORE, JR.; BRIG. GEN. E. D. PARKER; MAJ. JOE SHIPES; AIR FORCE: MAJ. GEN. JOHN PIOTROWSKI; AND OSD, ANDREW EFFRON

Mr. **JULIANA**. Thank you, Mr. Chairman.

I am here today to present the views of the Department of Defense on the issues of military support to civilian narcotics enforcement agencies.

The policy of the Defense Department is to support the efforts of civilian law enforcement agencies to the maximum possible extent, consistent with our own mission requirements and applicable law.

We are a support agency. Primary responsibility, however, rests with the Department of Justice and the Department of the Treasury. We are grateful for the clarification of our legal authority to lend assistance contained in the fiscal year 1982 Defense Authorization Act and for the clear statement of congressional intent that resulted from the debate surrounding that measure.

While our activities in support of civilian law enforcement efforts have been ongoing for many years, we can now proceed within a context of much clearer and somewhat expanded legal authority.

In this regard, Vice President Bush, as Chairman of the President's Task Force on the South Florida crime problem, announced last week that we plan to resume sophisticated surveillance operations in support of narcotics enforcement efforts. Based on our experience last fall with this type of support, we are confident there will be a major impact on trafficking in illegal narcotics in that region.

The Defense Department's contribution, along with the 15 other action steps announced by the Vice President, mark only the beginning of our efforts and signal the administration's determination to bring this overwhelming problem under control.

Meanwhile, Mr. Chairman, we are already proceeding, as required by the fiscal year 1982 Authorization Act, to develop the regulations that will facilitate and govern the implementation of our new authority. The development of such a regulation is a complex matter. We are confident, however, that the end product will be one that both the military departments and the relevant civilian law enforcement agencies will find beneficial.

We began the process of developing the required regulations immediately after that requirement became law. We are now on schedule, with internal Defense Department comments received as of last Friday, February 19, from more than 15 separate DOD components. We hope to have the finished regulation in a few weeks, hopefully, by mid-March. Then, as we implement the procedures within DOD, we will publish the regulation in the Federal Register and forward it to all interested civilian agencies for comment.

We see this regulation as a first step in an evolutionary process of relating the Defense Department and civilian drug enforcement agencies rather than as the last word on how those relationships should work. We will revise and improve on this initial regulation as our experience dictates.

As I said, we are not hesitating to use the new authority available to us. When requested to do so by enforcement agencies, we immediately move out to respond. I cite two such recent actions:

Operation Thunderbolt, conducted primarily by the U.S. Customs Service, attempted to intercept drugs being smuggled into the Southeastern States by air. Navy provided sophisticated air-to-air radar identification and tracking support which enabled Customs to detect small low flying aircraft and relay the flight information to their agents for interception. The customs agents used high-speed helicopters, on loan from Army, to assist and in many cases complete the interception.

Navy Electronics Systems Command and the Fleet Area Control and Surveillance Facility [FACSFAC] in Jacksonville, Fla., have been authorized by OSD to enter into an agreement with the U.S. Customs Service to provide Customs with a terminal at the naval facility. This gives Customs considerable ability to monitor vessel and air traffic in the area.

In summary, the Department of Defense supports entirely both the letter and the spirit of the congressional action in the fiscal year 1982 Authorization Act enabling us to be of better assistance to civilian law enforcement agencies. This focus is entirely consistent with the Reagan administration's commitment to make maximum feasible use of Defense Department resources in the Nation's continuing struggle with the problem of illegal narcotics.

We are proceeding with the development of regulations covering this area and, at the same time, responding as positively as possible to requests from civilian agencies for action under our new legal authority even before the regulations are formally completed.

I can assure the committee and the other agencies of the Government that have responsibility in this area of the Department of Defense's maximum possible contribution to this all important effort.

That completes my prepared statement, Mr. Chairman, and we are here to answer any specific questions that you might have.

Mr. English. Thank you very much, Mr. Juliana.

I think, without objection, we will do things a little bit differently than we have in the past and hear from our next witness and then proceed with questions. Some of the questions we will have to submit to both witnesses.

The next witness is William Von Raab, Commissioner of Customs, U.S. Customs Service.

Welcome, Mr. Von Raab. Also, I might state before Mr. Von Raab begins his testimony he came bearing gifts today; namely, the announcement that the Customs Service has responded with an arrest in the interdiction of a heroin shipment that has a street value approaching $100 million, a lot of money.

Could you tell us exactly how much heroin is $100 million on the street?

STATEMENT OF WILLIAM VON RAAB, COMMISSIONER OF CUSTOMS, U.S. CUSTOMS SERVICE, ACCOMPANIED BY ROBERT BATTARD, REGIONAL COMMISSIONER, SOUTHEASTERN REGION, MIAMI, AND ROBERT GRIMES, HEADQUARTERS DIRECTOR, PATROL

Mr. **Von Raab**. We interdicted 115½ pounds of heroin around January 27. An individual was arrested this weekend, and we are hopeful, as is DEA, who has taken over the investigation of this matter, that we are going to be able to crack what we regard as a significant international drug smuggling operation.

So both the DEA and the Customs Service are very excited about this development. As you indicated, there was a press conference this morning in New York to announce this seizure.

Mr. **English**. Congratulations.

Mr. **Von Raab**. Thank you very much. Don't congratulate me; congratulate our inspectors and import specialists who did a terrific job. I am very pleased.

Mr. Chairman, Mr. Kindness, I want to thank you for the opportunity to discuss military assistance in aid of our enforcement efforts in combating the illegal introduction of drugs into the United States.

The Customs Service, as you know, is deeply committed to combating epidemic drug smuggling, but, particularly now in the Southeast. This is a major part of our effort to make law enforcement our No. 1 priority in keeping with this administration's guidelines.

With the indulgence of the committee, I have brought along Mr. Robert Battard, our Regional Commissioner of the Miami area. Basically this area encompasses the Southeast, about which we are talking. He will give you, if you so require or desire, some firsthand information about what is happening down there. I think you will find that interesting.

It is the Southeast border which requires our immediate attention since it is there that the major share of illegal drugs and other narcotics are entering the country, and extraordinarily large sums of drug-related currency enter and leave daily to finance this deadly international traffic.

To illustrate for you the enormity of our task, allow me to cite some of our statistics for fiscal year 1981, a year of significant progress, which will improve still further. Please bear in mind that these seizures result from the cooperative efforts of all the drug enforcement agencies, particularly DEA and the Coast Guard.

During 1981 we seized 189 aircraft. That is 69 percent of nationwide seizures; 460 vessels, 83 percent of nationwide seizures; 2,508 pounds of cocaine, valued at $754 million. That is about 67 percent of the amount seized nationwide; 3½ million pounds of marihuana, valued at $2.6 billion. That is about 67 percent of the amount seized nationwide. Other dangerous drugs, 32½ million tablets, valued at $130 million. That is about 84 percent of the amounts seized nationwide.

Miami International Airport continues to lead the Nation in apprehensions of cocaine couriers traveling on commercial flights. These individual seizures totaled more than 39 pounds in December

1981, alone. Large seizures of cocaine concealed in cargo have also been made at the Miami Airport. However, the bulk of cocaine coming into Florida is being smuggled in private aircraft.

Recently, over 369 pounds were seized after Customs detected a suspect plane on radar, and followed it inland. In two other separate instances occurring on the same day, two aircraft were intercepted over central Florida, and some 650 pounds of cocaine were seized.

Marihuana traffic continues to be a major menace. Seizures from private aircraft in Miami totaled 66,332 pounds and more than 3 million pounds were seized from vessels. A total of 69 vessels were seized carrying marihuana from mother ships, or from cache sites in the Bahamas. Marihuana seizures in the Miami area rose 135 percent over fiscal year 1980 figures.

In addition, millions of quaaludes have been seized in the Miami customs region, primarily from smuggler aircraft.

These seizures only scratch the surface, so to speak. The financial resources and sophisticated aircraft used by organized smuggling groups challenge our present ability to respond. We are, however, attempting to meet this challenge in the following ways:

By conducting intensive, short-term enforcement operations with other Federal agencies, in particular, the Coast Guard.

By implementing our first air interdiction "module" in Miami. These modules embody all elements of Customs air strategy and tactics including radar detection, intercept aircraft, and tracking aircraft in self-contained units. The module concept has proved highly successful in Operation Thunderbolt which Mr. Juliana mentioned, and which I will describe in greater detail later.

By adding 10 Customs inspectors and 8 special agents in Florida, and increasing our patrol personnel in the Miami and New Orleans areas by 31 percent, for a total of 104.

Vice President Bush announced in Miami last week that a task force of 130 more Customs officers will be sent to Miami to strengthen the DEA, FBI, and Customs forces fighting drug crime there. He also announced the plans to establish a Financial Law Enforcement Center at the Treasury Department. This will be extremely helpful in insuring the full utilization of the information that is now available under Operation Greenback.

Currently, Customs' Office of Investigations is participating in 10 multiagency financial task forces throughout the country. Among them is Operation Greenback, one of the most successful Federal drug-related initiatives to date.

Since its inception, Operation Greenback has been extremely successful. Fifty-seven individuals have been arrested, $25 million in cash and property valued at $4 million have been seized and jeopardy tax assessments totaling $107 million have been levied.

One of the most promising tools in the war against drug smuggling is the use of military equipment. The new chapter 18, to title 10, enacted as part of the Defense fiscal year 1982 appropriations bill, contained provisions clarifying the type of military equipment and other assistance which may be furnished to civilian law enforcement in aid of their efforts in combating drugs. As a result, the military is clearly permitted to provide information, equipment, and assistance to civilian law enforcement agencies in areas that include narcotics interdiction.

Operation Thunderbolt, a recent joint DOD-Customs venture in southeast Florida using E2-C military aircraft equipped with APS-125 radar to detect low-flying aircraft intrusions, showed us that the E2-C's capabilities far surpassed those of existing Customs aircraft.

Thunderbolt also proved that Defense and Customs resources can be coordinated and combined to produce significant enforcement results.

Use of Defense equipment, from high-speed assault helicopters and communications capabilities to high-tech, radar-equipped aircraft, will beef up Customs' ability to intercept smuggling attempts by both air and sea.

We heartily endorse the combined use of military and civilian resources to stem the drug smuggling onslaught.

I hope I have conveyed to you the gravity of the problem in the Southeast. We are being overrun by a tidal wave of narcotics and dangerous drugs, and law enforcement agencies are interdicting only a small percentage of the total estimated traffic. Illegal drugs are entering the mainstream of American life today, threatening the health and safety of our youth, and undermining the foundations of our families.

I will be happy to answer any questions you may have.

[Mr. Von Raab's prepared statement follows:]

PREPARED STATEMENT OF WILLIAM VON RAAB, COMMISSIONER OF CUSTOMS, U.S. CUSTOMS SERVICE

Mr. Chairman and members of the subcommittee, I want to thank you for the opportunity to discuss military assistance in aid of our enforcement efforts in combating the illegal introduction of drugs into the United States. The Customs Service, as you know, is deeply committed to combating epidemic drug smuggling, but, particularly now in the Southeast. This is a major part of our effort to make law enforcement our number one priority in keeping with this Administration's guidelines.

It is the Southeast border that requires our immediate attention as it is there that the major share of illegal drugs and other narcotics are entering the country, and extraordinarily large sums of drug-related currency enter and leave daily to finance this deadly international traffic.

To illustrate for you the enormity of our task, allow me to cite some of our statistics for fiscal year 1981—a year of significant progress, which will improve still further. Please bear in mind that these seizures result from the cooperative efforts of all the drug enforcement agencies, particularly DEA and the Coast Guard.

Number of aircraft seized—189 (69 percent of nationwide seizures).

Number of vessels seized—460 (83 percent of nationwide seizures).

Cocaine seized—2,508 lbs. valued at $754 million (67 percent of amount seized nationwide).

Marijuana seized—3,533,276 lbs. valued at $2.6 billion (67 percent of amount seized nationwide).

Dangerous drugs—32,567,905 tablets, valued at $130 million (84 percent of amount seized nationwide).

Miami International Airport continues to lead the Nation in apprehensions of cocaine couriers traveling on commercial flights. These individual seizures totaled more than 39 pounds in December, 1981, alone. Large seizures of cocaine concealed in cargo have also been made at the Miami airport. However, the bulk of cocaine coming into Florida is being smuggled in private aircraft. Recently, over 369 pounds were seized after Customs detected a suspect plane on radar, and followed it inland. In two other separate instances occurring on the same day, two aircraft were intercepted over Central Florida, and some 650 pounds of cocaine were seized.

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In addition, million of quaaludes have been seized in the Miami Customs Region, primarily from smuggler aircraft.

These seizures only scratch the surface, so to speak. The financial resources and sophisticated aircraft used by organized smuggling groups challenge our present ability to respond. We are, however, attempting to meet this challenge in the following ways:

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Vice-President Bush announced in Miami last week that a task force of 130 more Customs Officers will be sent to Miami to strengthen the DEA, FBI and Customs forces there fighting drug crime. He also announced the plans to establish a Financial Law Enforcement Center at the Treasury Department. This will be extremely helpful in ensuring the full utilization of the information that is now available under Operation Greenback.

Currently, Customs' Office of Investigations is participating in ten multi-agency financial task force throughout the country. Among them is Operation Greenback, one of the most successful Federal drug-related iniatives to date. Developed early in 1980 by the Treasury Department in cooperation with the Department of Justice, its Task Force, in addition to Customs Special Agents, includes those of the Internal Revenue Service and the Drug Enforcement Administration. They work under the aegis of the U.S. Attorney's Office in uncovering and seizing multi-million-dollar illicit cash flows associated with the major drug traffickers and their syndicates from currency transaction reports filed by Florida banks.

Since its inception, Operation Greenback has been extremely successful as 57 individuals have been arrested, $25 million and property valued at $4 million have been seized and jeopardy tax assessments totalling $107 million have been levied.

One of the most promising tools in the war against drug smuggling is the use of military equipment. The new Chapter 18, to title 10, enacted as part of the Defense Fiscal Year 1982 Appropriations bill contained provisions clarifying the type of military equipment and other assistance which may be furnished to civilian law enforcement in aid of their efforts in combatting drugs. As a result, the military is clearly permitted to provide information, equipment, and assistance to civilian law enforcement agencies in areas that include narcotics interdiction.

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We heartily endorse the combined use of military and civilian resources to stem the drug smuggling onslaught.

I hope I have conveyed to you the gravity of the problem in the Southeast. We are being overrun by a tidal wave of narcotics and dangerous drugs, and law enforcement agencies are interdicting only a small percentage of the total estimated traffic. Illegal drugs are entering the mainstream of American life today, threatening the health and safety of our youth, and undermining the foundations of our families.

The President has made a commitment to fight crime, and has cited, "the incredible impact of drug addiction on crime rates."

We, in Customs, and we in the Government have a unique opportunity to contribute to this fight.

I thank you for your time and attention.

Mr. ENGLISH. Thank you very much.

Mr. Kindness?

Mr. **Kindness**. Thank you, Mr. Chairman.

I would like to welcome Clay Shaw to our subcommittee today. We have a subject under consideration today which is of considerable interest and concern to you, and I am glad you would be able to take the time to join us today.

Mr. **Shaw**. Thank you, sir.

Mr. **Kindness**. Mr. Chairman, I would like to echo the statement you have made earlier and I apologize for having been a bit tardy myself in getting here for the beginning of today's hearing.

I am interested and concerned, as we all are, to determine what is going to be done by way of implementation of the additional authority the Department of Defense has to interact with other law enforcement agencies in interdicting drug introduction into the United States.

I think we have an obligation to utilize all of our resources to the very best advantage. In order to do that, we, I believe, do need to exercise oversight in this subcommittee and the Government Operations Committee generally to assure that military resources are being used when possible to intercept drug smuggling.

In this major commitment of the military services to provide information and other assistance we will also have to make sure civilian law enforcement agencies will be able to make use of this assistance. Assistance from the military will do no good if there is not a solid organization and the resources to receive it and utilize it, nor will it be very useful assistance if the recipient agencies cannot pay for it where reimbursement is required.

I commend you, Mr. Chairman, for the initiation of these oversight hearings, and again welcome Representative Shaw to our deliberations today.

I take it that the chairman would like to begin the questioning.

Mr. **English**. Before we begin the questioning, Mr. Shaw, do you have any comments you care to make?

Mr. **Shaw**. No, sir; thank you.

Mr. **English**. I do want to welcome Mr. Shaw here.

I think it's important to make very clear we are breaking new ground here and I think that all individuals concerned want to do so very carefully. We understand that there are going to be some difficulties as we implement this change. This is the Government Information and Individual Rights Subcommittee, and we want to make certain that those rights are fully protected, as I know the Department of Defense does and the civilian law enforcement agencies do.

So while some of the questioning may seem a little slow at times, we are laying some very important groundwork, and I think it must be understood we are feeling our way.

I might also say this is the first of a series of hearings as we implement the changes. I know the DOD has not come up with rules and regulations implementing this change yet, so once that comes forward we will be feeling our way a bit more.

So again, I want to thank you, Mr. Juliana and Mr. Von Raab, for appearing before us.

Mr. Juliana, I certainly want to commend the military for Operation Thunderbolt; it was I think an overall success. But the E2-C, the Navy aircraft that was involved, that cost Customs, it's my understanding, somewhere in the neighborhood of $800,000 for 72 days. Is that correct?

Mr. **Juliana**. They had budgeted I believe, $816,000 and they came in a little under that. The exact cost is not final yet, but indications are that it will be less than $800,000 for the total operation.

Mr. **English**. So it was in the neighborhood of $800,000.

Mr. **Juliana**. Yes, sir.

Mr. **English**. Obviously, that would have a big impact on the budget of any law enforcement agency, and could not long be sustained. As I understand it, that was one aircraft; is that not correct?

Mr. **Juliana**. I believe that is correct; yes, sir.

Mr. **English**. One aircraft, $800,000 for 72 days.

Mr. **Juliana**. It did, however, Mr. Chairman, require that we locate the operation at a facility in the southern part of the country from which it normally would not operate. That may have contributed a little bit to the increased costs.

Also, in that operation there were adjustments made that did reduce the cost.

Mr. **English**. The second point, and I think you were beginning on it, is that the E2-C was not stationed in that particular area and this was not a part of its normal operation; is that correct?

Mr. **Juliana**. That is absolutely correct. I think it's fair to say that initially it increased the costs by having to relocate that operation to the southern part of the United States. But, at the same time, as I indicated, during the learning period we adjusted the mission to be as economical as possible.

Mr. **English**. From a military standpoint, would it be fair to say that this particular operation did not contribute to the overall training?

Mr. **Juliana**. No; that is not fair. It did contribute to the overall training.

Mr. **English**. It did?

Mr. **Juliana**. Yes, sir; it did. I might add that it did have some slight impact on readiness which, of course, is our major responsibility. We have to be very careful that we participate as best we can, where we can, without impacting on the readiness of our Armed Forces.

Mr. **English**. How would you impact the readiness with the E2-C?

Mr. **Juliana**. By changing the training mode of that particular squadron of aircraft, by relocation of individuals and by taking it off of other missions.

Mr. **English**. Training would amount to approximately one-third of a unit's readiness report; is that correct?

Mr. **Juliana**. I have Commander Hood and Captain Whittaker here who are both directly familiar with that operation, and I would like to defer to them. You will certainly get a more accurate answer.

Mr. **English**. Surely. Let me quickly point out what I am trying to get at. There obviously is an impact whenever you have to make a significant move of a unit, whether it's E2-C or anything else. It is a change in the normal positionmng of military aircraft in this particular case and, therefore, does bring about some change within the readiness factor.

Also, you do have the training factor which is involved, and it's a very critical factor, I think. The point I am trying to get at here is how much effect did the movement of the E2-C and the involvement of the E2-C in the Thunderbolt operation have upon the overall training of the unit, if any? Did it improve training; did it take away somewhat from range, and what did it have to do to the overall readiness report of that particular unit?

It's my understanding training amounts to about a third of a unit's readiness report; is that correct?

Commander **Hood**. I am not sure of the exact percentage of training in the report, but I am sure we can provide that for you.

Mr. **English**. OK.

[The information follows:]

A Navy unit's readiness report is made up of four key areas, one of which is training. Specifically, the areas are personnel, supply (for aircraft in this case), equipment status, and training. An unsatisfactory condition in any of the four areas leads to an overall reduced readiness report no higher than that of the lowest area. While training comprises only one-fourth of the report, it has a considerable impact on the remaining areas.

Commander **Hood**. There was some positive training that did come out of Operation Thunderbolt for the Navy, but the net outcome was a loss, net loss to the Navy in training. As, for instance, we had the pilots in one particular unit involved who should have completed 85 percent of their readiness training but were 40 percent complete at the end of Thunderbolt. That shortfall was mainly due to the fact that the training time that they needed could not be provided to them because of their dedication to supporting Thunderbolt.

Mr. **English**. So, what you are telling us is that on the one hand, we had with Operation Thunderbolt, a cost of nearly $800,000 to Customs, which they cannot afford. On the other hand, the Navy sacrificed training for the E2-C involved, and this had a negative impact on that unit's overall training level, which was not up to what it would have normally been.

So there was a cost factor involved in Operation Thunderbolt that probably could not be expected to continue over a long period of time either from the budget of Customs or from the training standpoint of the military; would that be fair?

Commander **Hood**. Yes, sir; I think that would be fair.

Mr. **Juliana**. Mr. Chairman, that raises a very basic question. In our support role, I think it's very important that we take each mission as a separate part of this overall problem. You might have a mission for the Navy, Army, and Air Force, and you can factor those in differently. We have requested the civilian agencies, when they ask us for support, to give us their mission so we can then take a look and see how we best can respond to their needs and give them the support that we feel is best for the entire mission.

Mr. **English**. Mr. Juliana, you are a little bit ahead of me, but I am going to get there.

Mr. **Juliana**. I don't have your questions.

Mr. **English**. With regard to the proposal that has been made about AWACS, I know I made the request of the Department of

Defense and particularly the Air Force some time ago, I raised the possibility of the use of AWACS in their training periods down in the Florida area, and that this might support the overall drug interdictive effort when combined with the resources of Customs and other civilian enforcement agencies. I made that request some time ago.

I am pleased to see the Vice President responded in that direction. I believe it was, in fact, a week ago today when he was down in Florida. I think it would be helpful if perhaps the Air Force could explain to us in some unclassified terms the detection capabilities of AWACS. As I said, we are speaking of unclassified terms.

Mr. JULIANA. We will be very happy to do that, Mr. Chairman. Maj. Gen. John Piotrowski of the Air Force is here, and it's a highly technical area, as you know, and I am going to ask him to respond to that.

Mr. ENGLISH. I might say for the benefit of those who are present, I am pleased to say that the General also was commanding officer at Tinker Air Force Base when AWACS was first getting started out there, and we are very pleased to have someone who has spent at least a brief period of time in Oklahoma.

We will make you an honorary Oklahoman, and welcome to the hearing today, General.

General PIOTROWSKI. I welcome this opportunity, Mr. Chairman, and thank you for the honor you have just bestowed on me.

To answer your question very simply, the AWACS has the capability to detect low- and slow-flying aircraft like Cessna, Piper Cub, Bonanza, and Beechcraft. The speeds at which they fly would be detectable by AWACS.

Mr. ENGLISH. Of course, as well as very high-speed, high-flying aircraft.

General PIOTROWSKI. That is correct, sir.

Mr. ENGLISH. Very good. Does the Air Force conduct routine training and operational flights of AWACS in the Florida area?

General PIOTROWSKI. Routine is probably not the best description, Mr. Chairman. On the average there are two or three AWACS flights per month in Florida. These are generally in the area of Tampa and Jacksonville, Fla., because of the location of the fighters that train with AWACS.

Mr. ENGLISH. So what you are telling us is that the number of flights AWACS makes in the Florida area is determined by the number of fighter groups that are available to train with it; is that correct?

General PIOTROWSKI. That is correct, Mr. Chairman.

Mr. ENGLISH. So that is the guiding factor in the number of flights. But you do have two or three flights a month that are down there?

General PIOTROWSKI. That is correct; and if I may, Mr. Chairman, I might suggest that we have an airborne radar in the Florida Keys that is available approximately 90 percent of the time, 7 days a week, 365 days a year. It flies at 12,000 feet and can see low-flying aircraft and boats out to approximately 130 miles, and 150 miles for aircraft flying slightly higher.

Its range will cover low-flying aircraft and boats as far as Bimini from its position at Cudjoe Key, Florida. That may be very useful to the U.S. Customs Service.

Mr. **English**. So we would have coverage of that area about 90 percent of the time, did you say?

General **Piotrowski**. That is correct.

Mr. **English**. Very good.

With regard to the AWACS, as I understand it, its identification capabilities are similar to those of an E2–C. Is that correct?

General **Piotrowski**. That is correct. The E2–C and AWACS are very similar in their detection and identification capabilities. AWACS has a little more range because of the altitude it flies at.

Mr. **English**. Right. From a technical standpoint, can the AWACS support the requirements of Customs? In other words, notifying Customs of any so-called profiles that they might observe at the same time it's conducting its training mission?

General **Piotrowski**. We have had a longstanding working relationship with the U.S. Customs Service. In fact, there were two Customs agents stationed at the 552 AWACS wing at Tinker as early as 1978.

That was very successful as far as the Air Force was concerned. When we had prior information like the flight profile and direction that the suspect aircraft was coming from, and communications links with the Customs Service, our crews were very capable of assisting the Customs Service.

Mr. **English**. The point I think important to make here, that may confuse some with regard to changes in posse comitatus, was that the Air Force required a Customs official to be actually aboard the AWACS, actually looking at an individual screen and carrying out all of the reporting activities, if I understand the process correctly, in order to stay within the law. Is that correct?

General **Piotrowski**. Mr. Chairman, you are exactly correct. Under the prior posse comitatus law, military personnel were prohibited from passing information to Customs, so a Customs agent would ask permission to sit at the console and use Air Force equipment. If this did not interfere with the mission, he was given permission.

Mr. **English**. So what you are saying is that if the AWACS flights which are being made into the Florida area are given the proper profiles and what to look for, with the appropriate communications linkage, there would be no problem in sending the message down and saying, "we have one coming in here that looks like it fits your profile." And could AWACS as well scramble an interceptor plane from Customs and guide it to that particular aircraft?

General **Piotrowski**. I believe the authority for scramble would rest with the U.S. Customs Service.

Mr. **English**. If the Customs wanted to do that would AWACS have a capability of guiding the interceptor to the target?

General **Piotrowski**. Yes, sir.

Mr. **English**. I would like to make a few points. First, DOD can require civilian law enforcement agencies to reimburse DOD whenever special assignments are made along these lines, as was the case for Operation Thunderbolt. Obviously, the impact that that would have upon the various civilian law enforcement agencies would be unacceptable. They could not bear that kind of a burden under those conditions for a long period of time.

On the other hand, if the military support of the Customs negatively affects combat readiness, it is also unaffordable from the military standpoint. So what we have to find here are ways in which the two requirements are compatible.

The obvious first step is to examine the existing training requirements of the military to find areas in which their needs can be met, while simultaneously helping civilian enforcement, but with little or no disruption to the training.

The second point is that AWACS is operating in the Florida area and now we have other facilities that may be available, military facilities that would be available in the Florida area as well. Those radars are capable of assisting Customs, and Customs needs help today. I think once we hear from Customs they are certainly going to underscore that particular fact.

Absolutely no additional costs would be incurred by the Air Force to assist Customs when training flights are already taking place, whether it's with the radar you have up or with the normal AWACS flights that are taking place in the Florida area. They have worked together before.

I would like to request that in general terms, in general terms, Mr. Secretary, you commit assistance to Customs via AWACS and with other types of equipment that might seem applicable in the areas of Florida. This request, of course, is contingent upon the impact which such support might have on the military's priorities.

Mr. JULIANA. Mr. Chairman, we already have requests for three separate types of operations from the Treasury Department being staffed at this very moment. All the issues that you have raised are part of that staffing. On one of the requests they have indicated to us the timeframe that they want the mission to start. We are approaching it from meeting that objective of the Treasury Department. So, we are going forward.

I think we are reasonable men and women, and the two agencies will work well in getting these requests responded to; hopefully, favorably. But here again we have to consider all of the factors you have raised, and we will consider them. We are right in the middle of doing three different operations involving all three of the services, by the way.

Mr. ENGLISH. But in general terms, in the general terms we have outlined, would you have any problem committing AWACS and other military equipment to the fight on drugs?

Mr. JULIANA. There is a possibility that if it impacts on readiness to the point where we can't afford it, then we would have to take a very, very hard look at it.

Mr. ENGLISH. I just outlined and gave the exception: It does not have an impact on readiness, that this would be a part of the overall training operation of the military.

Mr. JULIANA. I am not prepared to make any commitment right now, but I can tell you that it would be looked at in a very, very positive way, and all of those factors will be considered.

Mr. ENGLISH. Mr. Secretary, that is where we run into a lot of trouble real quick.

Mr. **Juliana**. We have not run into the trouble yet, because we are considering all of these factors and we have not gotten to a decisionmaking point.

Mr. **English**. Mr. Secretary, the point is the U.S. Congress made the decision for you last fall. The Congress said that they relaxed the law with regard to the posse comitatus so that the military could assist in this fight.

Now, it's my understanding that given the outline that I have just made, and I have gone through and given some pretty broad exceptions, namely, as it affects overall combat readiness, the objectives of national defense; that with those exceptions, the military will assist. From what I am getting from you, you are telling me you are not sure.

Mr. **Juliana**. Oh, no; I am not; no, I am not, Mr. Chairman.

Mr. **English**. Either you commit or you don't. Are you going to commit to this or not?

Mr. **Juliana**. I cannot commit that we will put AWACS on this mission at this moment, Mr. Chairman. I just cannot do that.

Mr. **English**. I am asking if you have AWACS planes flying the areas over Florida during normal training missions, will they, if requested by Customs, assist in locating drug traffickers that meet the profiles Customs sets forth?

Mr. **Juliana**. I think I can positively answer that, yes.

Mr. **English**. OK. That is all I needed.

Mr. **Juliana**. However, we have to consider also the readiness factor.

Mr. **English**. That is the exception we have given you all the way through.

Mr. **Juliana**. OK.

Mr. **English**. OK; with that understood, you have no problem.

Mr. **Juliana**. Yes. I don't think from what you are saying today that we would have any major problems in assisting in this program with those kinds of conditions, Mr. Chairman.

Mr. **English**. Mr. Kindness?

Mr. **Kindness**. Thank you, Mr. Chairman. There is implicit in what is being discussed here I think something that probably ought to be brought out and discussed more distinctly, and that is where it's possible and workable for training programs to be changed or reoriented somewhat, or perhaps geographic locations of certain equipment to be shifted, if it's consistent again with readiness and the capabilities of the Department of Defense to fulfill its mission, that in planning on a longer range basis those shifts might be made, if attention is given to that.

The question is what sort of priority might be attached to that kind of forward planning by the Department of Defense? I am not suggesting that the Department of Defense ought to direct its planning toward law enforcement in any inordinate degree, but rather do you foresee that there are possibilities of adjustments in location or programing of training that might work to the advantage or the mutual advantage of a law enforcement agency and the Department of Defense in this area?

Mr. **Juliana**. I think there may well be. In Thunderbolt, in fact, we did adjust the training mission as best we could to accommodate what Customs was trying to do and also to reduce the costs.

We were successful there. I think that our primary objectives should include adjusting training to keep the costs down as well as keeping our readiness posture unaffected.

Mr. **Kindness**. I realize there are many reasons for the deployment of equipment at different places in the present system with each of the armed services. Is it conceivable that looking more distantly into the future the interaction with law enforcement by the Department of Defense might have some effect on the planning, on where training would occur with regard to AWACS or some other comparable shift of location in the future?

Mr. **Juliana**. We act on requests from civilian law enforcement agencies. We are not anticipating where the problems are going to be. So I don't know that I can really respond any more than to say that as the requests come in from the law enforcement agencies we will respond. We have asked them to tell us what their total mission is so that we can be more responsive.

Mr. **Kindness**. I think that is a very responsible answer in the context of today's point of progress because if a drug smuggling problem comes under relative control in one area it's likely to crop up someplace else. And the Department of Defense's long-range planning ought not to be premised upon where the law enforcement problem is at the present time. But, given that variable, do you see that there might be some advantage in some longer range planning being done between law enforcement agencies and the Department of Defense in contemplation of a continuing role of cooperation?

Mr. **Juliana**. I certainly would agree with that, Mr. Congressman. Perhaps Mr. Von Raab can address it better than I. Maybe in the past we have not had enough cooperation and also not a positive approach to this problem. It's been more negative and something you sort of shove under the rug. We are now very positive.

The Vice President went to Florida and was very positive in what he said was being done. He outlined 16 measures that the administration is taking at this time requiring substantial resources of men, equipment, money, et cetera. So it's a very, very positive attitude and I think this kind of an action on a national problem is required.

Mr. **Kindness**. I can see, for example, that the current method of operating here with a request and a response to that request may not be the most efficient way to operate on a longer term basis. But a certain amount of cooperative planning might be very beneficial. But no mechanism exists for carrying that out at the present time, as I understand it. Is that correct?

Mr. **Juliana**. That is correct. I might add, the General identified a resource that we had not, at least I had not, been aware of before down in the Keys area. We will explore that even without the request.

Mr. **Kindness**. Mr. Chairman, I don't really have another quastion, but I guess a statement, that I think it lies within our area of responsibility to kind of follow up on this area to see if the need becomes clearly enough identified as to just how we might establish that ongoing cooperative forward planning approach for which currently the mechanism does not exist.

Thank you.

Mr. ENGLISH. I think that is certainly right, Mr. Kindness. We would want to contribute in a positive way all that we can in establishing that and making certain it does take place.

Just for the record, perhaps this would be the time, Commissioner Von Raab, would you like to make a request for an AWACS in Florida right now?

Mr. VON RAAB. First of all, let me mention, sitting at the table is Bob Grimes, our headquarters director of patrol, which includes both air and marine patrol, just in case he might be able to shed some light on this.

I am a little concerned and I want to correct any misconception that may exist here that the coordination going on between Defense and Customs is not good or that we have any problem with dealing with Defense. We don't. Coordinating has been great, and they have been very cooperative. It's just that we are now in a new mode because of the law you have passed, which is terrific. And so it does change the environment. I could not agree more, that we should sit down and make a real effort to plan into the future.

At the same time, I should mention that Customs' priorities have changed. In the prior administration there was not as much interest in drug enforcement. We have changed that direction, and we have put tremendous resources into Florida. We continue to pour them in as indicated by Vice President Bush's proposed task force.

So this is all pretty new, and the AWACS was a test. We think it was a very successful test. It has, however, cost us a lot of money. The total cost of Thunderbolt to us was about $1½ million, of which we anticipate we will reimburse about $800,000 to the Defense Department.

For our fiscal year 1982 budget, we have only $1½ million budgeted for special operations—the price of one Thunderbolt.

The money is a real problem to Customs, and we would not pretend that it isn't.

So in terms of requesting an AWACS, the issue of whether we would like an AWACS or not, or an E2-C, does hinge to some degree on how much it will actually cost Customs.

Mr. ENGLISH. Let's say free.

Mr. VON RAAB. Let me just comment——

Mr. ENGLISH. Are you telling me you don't need an AWACS down there?

Mr. VON RAAB. No; certainly it would be great if we had it for free.

Mr. ENGLISH. Is it your request that at any time AWACS is in the area of Florida, that any information they could provide, based on a profile that you submit to the Department of Defense, that that information be provided to Customs officials so that you can intercept any drug traffickers coming in, as long as it's a normal training flight, and as long as it doesn't cost Customs anything?

Mr. VON RAAB. We anticipate that is the normal result of this new law anyway, and so one of the things we are looking forward to is——

Mr. ENGLISH. We just heard the Secretary say you have to make the request, and you have not made it yet, and I am sitting here giving you an opportunity to make it and, as I am sure I am hearing you, you are not making it.

Mr. Von Raab. I am making it.

Mr. English. OK; you are making it. OK; we have that on the record.

Mr. Von Raab. I feel the various departments of the executive branch can get together on these things. This has really been my first opportunity to meet with Mr. Juliana, thanks to you, and I am sure as a result of this hearing, we are going to be seeing a lot of each other.

Mr. English. As I said at the beginning, I understand everybody is nervous and I can understand that. We are breaking new ground here. And I think any phrasing of language or qualifications that anyone puts into any of this should be understood in that nature, that we are breaking new ground, and I am certainly sensitive to it, as are the members of the committee.

We don't want to get anybody in any trouble. We are hopeful this subcommittee can assist. I sincerely hope we can. But, at the same time, we have to start someplace. As I said, I am familiar with AWACS. It's stationed in Oklahoma City. In fact, the base is right next door to my new district. So I see them flying all of the time. So I thought, well, that is a nice place to start—seems like a good idea and they can provide a lot of assistance, and it's time we get it together.

We have balloons out there that have radar on them and they can provide another benefit. That is fine. I would love to see DOD coming up with some additional proposals in some areas that perhaps Customs is not that familiar with, but we have to begin the process. I am hopeful that is what we are doing today. This is the beginning, and as we come up with the rules we are trying to provide everybody with a great deal of flexibility. We are getting a general concept here.

Mr. Shaw, I imagine you would like to ask a question since you are from the good State of Florida and we are doing an awful lot of talking about your home State.

Mr. Shaw. Mr. Chairman, you raised the question a minute ago with regard to the commitment of AWACS and I think perhaps at this point in time it would be a good idea to read into the record at this time point 11 regarding Vice President Bush's speech in Miami last Tuesday in which he said, "In order to increase our intelligence and surveillance we will put back in operation a sophisticated AWACS-type aircraft."

I read that certainly as a commitment. It does not mean that a surveillance plane will be in the air all of the time.

I would like to ask the Secretary a question regarding drugs.

Do you see the easy availability of drugs a threat to the defense of this country?

Mr. Juliana. I certainly do, Mr. Shaw. There is no question about it, particularly in your part of the country. It's an intolerable situation.

I might add that your point 11 that you mentioned in the Vice President's comments, that is precisely one of the three missions that we have under review.

Mr. Shaw. Yes, sir. Well, we would certainly in Flordia encourage you to expedite that review as we feel that we have a commitment on something that is so vital. I know in listening to the Vice

President's speech—and I was in Miami at the time—that I was jumping up and down in my chair. I felt like at least John Wayne was coming in with all of the Department of Defense behind him and all of the capabilities of the Federal Government, and at last we were going to get serious and solve the problems of drugs.

It's an extremely frustrating experience in Florida and sometimes I lose patience with various parts of the Federal Government. Knowing that Defense does have the capability in itself to do so much to completely plug the gap, sometimes I lose patience in seeing some of the hedging and vacillation we get in attempting to get straightforward answers from the Defense Department. DOD must be a team with a total commitment to eradication of illegal drugs coming into this country. It's going to take the full force of the Federal Government.

But to me it is an incredible situation that we have a Government which is supposed to be the finest and perhaps the strongest on the face of this Earth, and yet we are unable to focus our attention in the way that I feel is going to be necessary if we are really serious about solving the problem. I think your statement with regard to recognizing this as a very real threat to the defense capabilities of this country should make it a No. 1 priority of the U.S. military.

Mr. JULIANA. It has very high priority. Secretary Weinberger sits on that task force——

Mr. SHAW. Yes, sir, I know that.

Mr. JULIANA [continuing]. With the Vice President, and I am a member of the working group of that task force. So the commitment is there. We are going to approach this in a very positive way, I can assure you of that. I hope you will call us back to take me to task if I don't.

Mr. SHAW. Thank you, sir.

Mr. ENGLISH. I can assure you we will.

Mr. JULIANA. I welcome it.

Mr. ENGLISH. Let me also say I am certainly not doubting the Vice President's commitment. I just want to make sure DOD's commitment is the same and everybody understands what the Vice President's commitment is. We don't want any slipping and sliding or backsliding, as we say in our part of the country, on down the road some place. We want to make sure everybody is on board.

We have had the Navy and Air Force up a little bit to visit with us. Could we get the Army now to talk about the OV-1 Mohawk?

Mr. JULIANA. We have Generals Moore and Parker both, Mr. Chairman.

Mr. ENGLISH. Gentlemen, I want to welcome you to the hearing.

The Army has an aircraft we think might be of some assistance in this area and it's the Army's OV-1 Mohawk aircraft. It's quite an amazing piece of equipment. I am not sure, General Moore or General Parker, who is going to respond, but one of you tell us what the mission of the OV-1 is.

General MOORE. I am General Moore, Director of Military Support. Among other duties, I handle things such as the Cuban refugee crisis. I am familiar with the Posse Comitatus Act because we are also engaged with providing support to Federal, State, and local officials, and I am prepared to respond in that area.

General Parker is our Director of Army Aviation and he will be very pleased to respond with regard to the capabilities of the aircraft.

General **Parker**. Don Parker, Director of Army Aviation. It's a pleasure to be here, and I shall respond to your questions concerning the capabilities and limitations of the OV-1.

Mr. **English**. Could you tell us generally what the mission of the OV-1 is, recognizing, of course, that anything that is classified should not be discussed here.

General **Parker**. Yes, sir; I understand.

The mission of the OV-1 aircraft is surveillance, target acquisition, and reconnaissance. It supports primarily the division and the corps.

I think more specifically, to refine that down to your area of interest, the aircraft has a side looking airborne radar and infrared capability. That gives us the capability of detecting moving objects, be it aircraft, ship, vehicle, or even an individual walking, provided they meet a certain speed gate within the range limitations of the system.

Mr. **English**. Would this type of detection and identification be commensurate with the normal training activities of a Mohawk unit? In other words, to give you an example, let's assume we have a ship out here that Customs thinks may be a mother ship; they have a bunch of little boats running out and picking up a load and bringing it back in, and we have trucks up in the Everglades someplace picking this stuff up. We need somebody to identify where the boats are going and who is picking it up, and showing Customs where to go. Would that be commensurate with the training activities of an OV-1 Mohawk?

General **Parker**. Yes, Mr. Chairman; it would. Let me elaborate on that question just a little.

We do have some OV-1 type units that are so positioned within the United States that they could, in fact, operate in the intelligence gathering role I described to you earlier in parts of Florida without any readiness degradation.

There are other parts in the southernmost part of Florida that would get into some training degradation if I put units all the way down there. That is based on their current basing, and the fact that predominantly we are talking National Guard units, individuals who have other functions. If we had to displace one of them, as we had talked about with the earlier system, I could run into a problem there.

But they do have the capability of covering parts of Florida, and of doing that in the process of their normal individual and collective unit training without any degradation to the training mission.

Mr. **English**. Can these types of aircraft operate in all kinds of weather, at night, and whatever?

General **Parker**. They are classified as all-weather aircraft, and they can operate under what we refer to as instrument flight conditions; that is, with no visual reference to the ground. But depending upon how heavy the cloud cover, the precipitation they are operating in, there is some minimal degradation in the degree of resolution you get in the side looking radar imagery or infrared.

Under certain heavy icing conditions, no, they could not operate and, of course, in a thunderstorm. But basically it's an all-weather type aircraft that could operate under adverse weather conditions.

Mr. **English**. With regard to using the example I did, let's say you had a Mohawk in the area, you were following a boat in, and you had a truck that the Mohawk may have spotted up in the Everglades someplace. How much time would it take you to communicate that information to Customs, and is there a time lag in there with that type of communication?

General **Parker**. Mr. Chairman, we could get an inflight readout. The radar operator would have a scope right in front of him and the minute he observed a target that fit the profile of what we had been alerted to cue on, that could be radioed immediately, provided we had the proper down-link stations within our range of operation. So there would not be any significant delay.

Mr. **English**. Can you communicate exactly where the target is identified to the ground people, exactly where that target is located?

General **Parker**. It depends on the distance from the side looking airborne radar platform at the time the target is detected, and, of course, we have a considerable range. As the target gets closer into the radar track and to the flight path of the aircraft, the degree of resolution of the radar can be improved and we can give fairly accurate locations. If the target happened to be a great distance away from the airframe at the time we detect it, the ability to pinpoint the accuracy of it would not be as sharp.

Mr. **English**. But you could move in closer to the target and identify its precise location at that point?

General **Parker**. We do have the capability of changing the resolution pattern and moving the flight track, if necessary.

I should point out one thing to you, Mr. Chairman. I did tell you that the side looking airborne radar would pick up airborne targets, ground targets, and targets at sea. It's designed primarily as a ground-based radar. It will pick up targets at sea, but not with the degree of resolution you would find with say the AWACS, for example.

If it's on a choppy sea, 3- to 5-foot waves, then, of course, it will pick up the target quite readily. If it's on a calm sea, we might have difficulty picking it up and cannot assure you we would always pick up that traffic. But then again, if it starts moving, the degree of speed and the distance from the airframe we detect him would determine the capability of picking up.

Mr. **English**. If he is moving toward the shore, for instance, you are probably going to pick him up pretty easily, is that right?

General **Parker**. Most of the time we would; yes.

Mr. **English**. I understand you also brought us some photographs to give us some idea of the type of pictures you are talking about for this type aircraft.

General **Parker**. Yes, sir. We do have copies of that imagery and I will ask Major Shipes to take the book up. We have here samples of the side looking airborne radar imagery, the infrared imagery and photographic capability, and at each of the pages there you will find a brief description of what you are looking at in the way of imagery.

Mr. **English**. It would seem to me, tell me if I am wrong, General, but it would seem to me that this would provide a great deal of realism to your training, more than what you have had in the past.

Would it be fair to say that this type of activity might, assuming that it's within the area where these aircraft are stationed, in fact, be a plus to the training?

General **Parker**. Yes, Mr. Chairman. Under conditions where we did not have to use what I will refer to as dead head blade time, a lot of time from their current location to the mission area. A certain amount of training occurs even there, up to a point, but then the training drops off dramatically for a long dead head blade time to the mission area.

But I can tell you there are some mission areas I believe Customs would be interested in wherein we could satisfy some requirements for them without degradation. I think we will have enhanced the esprit, the pride and morale of that unit in that they are working on something they know is productive other than just training for the sake of training.

Mr. **English**. Mr. Kindness?

Mr. **Kindness**. Thank you, Mr. Chairman.

I don't believe I have any further questions to add on this subject except one with regard to the deployment of these aircraft, Mohawk aircraft, and units that would be engaged in the use of such aircraft for training purposes or routine missions.

Is there anything in the forward planning of the Department of the Army that might be affected by way of deployment of such aircraft and units if there was kind of a cooperative interaction with the law enforcement agencies concerned here?

Would it appear on a very general basis, at least, that there might be some changes in deployment in the interest of such cooperation that are possible or even in prospect, if you happen to know?

General **Moore**. I appreciate the question. Keep in mind that as of a week ago there was no requirement to do that forward planning. So we really have not had a chance to take a look at it. Certainly, that is something to be considered as you were questioning the Secretary before.

In the case of these units, two of them are National Guard units, and they are based in Georgia. To displace those units causes some turmoil. You have to find a place where you can recruit those types of people, get pilots and so forth. We do have Reserve aviation units in Florida, but they are configured with different types of aircraft, for specific missions, and they are being utilized today.

We only have one active Army unit in the south Georgia area, Savannah region, and that is associated with our rapid deployment force type units, and we could take a look at that. But the unit they support is also located in that same area, so it becomes a snowballing effect to try to move one. We will certainly be glad to take a look at those considerations in our longer range planning, however.

Mr. **Kindness**. Thank you, Mr. Chairman.

Mr. **English**. Thank you very much.

Before we get too far off, Commissioner, I will be right to you. Do you have a comment you want to make?

Mr. Von Raab. Yes. I wanted to clear up to some degree the question of whether we would like an AWACS or not.

Mr. English. I think it's a good time to do that.

Mr. Von Raab. We have had two experiences with prior AWACS. We did go through a period in which we had Customs officers at Tinker, and we were able at times to benefit from certain of the training programs upon which the AWACS was embarked.

I think it's fair to say that those efforts were not particularly successful for Customs purposes because the training component of the effort was such that the application of AWACS to Customs' needs was limited to a few hours in a day, or something like that.

I will not say that it was not a help. It certainly was.

Mr. English. But is it not also true, Commissioner, that Customs had no say as to where that aircraft was going to go?

Mr. Von Raab. Well, that is what I am saying. I am saying the training component was greater.

Mr. English. So the coverage you needed was not necessarily where AWACS was flying, and not necessarily the hours of the day that you had Customs people on board. You were not meshing.

Mr. Von Raab. That is correct.

Mr. English. So this underscores the whole point, you have to mesh this together.

Mr. Von Raab. As I was saying, in that mode AWACS is helpful, but not significant. I am not quite sure whether we even had a seizure as a result of that. We did not have a seizure as a result of that.

Mr. English. Of course, what we are talking about here is that the AWACS would be used in those areas where you have a lot of drugs coming in; namely, in this particular case right now, Florida.

Mr. Von Raab. That is right.

Mr. English. Would you perceive that that might be helpful?

Mr. Von Raab. Certainly. To go back to Mr. Shaw's comment; section 11 of Vice President Bush's speech, we feel is the definitive word on what is going to happen with the E2-C. Now we are just waiting to see. But I have great confidence in the Vice President and that he will make that happen as a result. So our desire for an AWACS in the mode in which it operated in a Thunderbolt is great.

Mr. English. Just for the record, the suggestion for an AWACS, as far as being made public, was made in Oklahoma the Sunday before the Vice President's statement, and we are delighted to have the Vice President on board; sure are. We are happy to have his support.

Mr. Von Raab. I might also mention the results of Thunderbolt through the middle of December. We seized 45 aircraft, turned 37 aliens over to INS, arrested 28 pilots and 34 others, seized 8 vehicles, seized 50 pounds of hash oil and 26,000 pounds of marihuana, 1,100 pounds of cocaine, and over $10,000 in currency. These results are impressive for purposes of that operation. That was in a learning mode as well.

So we would hope that if something like that were repeated it would be better.

In addition, I would like to mention that we have been having conversations about the balloon, the radar.

Mr. ENGLISH. Do you think that is going to help?

Mr. VON RAAB. Everything helps. You know, we are really fighting a war down there, and so every bit of assistance will help. Yes; we think right now that it would help. But we are studying it.

Mr. ENGLISH. What is the communication time from that balloon to one of your units? Is there a problem in that?

Would there be a lagtime or problem with passing that information from the Skyhook to Customs?

General PIOTROWSKI. Mr. Chairman, all it would require is a telephone and as soon as the information, a track was sited, it could be passed to the Customs Service in Miami, or if they chose they could put a customs agent right at the down-tail site.

Mr. ENGLISH. Would Skyhook also be able to direct Customs aircraft?

General PIOTROWSKI. The operator sitting at the console could vector the customs aircraft to the track; yes, sir.

Mr. VON RAAB. I wanted to clarify that one point.

Thank you.

Mr. ENGLISH. Mr. Von Raab, can you tell us whether or not the OV-1 sounds like it would be a piece of hardware you all could use?

Mr. VON RAAB. Bob, do you want to comment?

Mr. GRIMES. Yes; it would be very helpful, especially in identifying off-load-site vehicles. The pictures capability you have in front of you would be a vital piece of intelligence for our day-to-day operations, especially right along the coast.

Mr. ENGLISH. Let me say also that the pictures which we saw are not being made a part of the record because they are classified.

Along that line, let us use my example again. You have a ship out there that you have identified as possibly being a mother ship and you have a bunch of boats running out there. An OV-1 picks it up and they are following it in, and they see some trucks down here that they suspect are going to pick up the load from one or more boats, and they give you a call.

Do you have the resources throughout Florida then to be able to respond to that kind of information? In other words, can you get some folks there and actually make the arrest?

Mr. VON RAAB. We can give you some idea of resource.

Mr. BATTARD. We can certainly respond to it. That is the normal mode in which we operate. We have just put about 80 additional patrol officers in the Miami area, primarily dedicated to marine interdiction. So in answer to your question, we could respond with that type information.

Mr. ENGLISH. I believe the Secretary made mention of the fact that you all borrowed some equipment from the Department of Defense. To date you borrowed helicopters and that sort of thing. In fact, it's my understanding you had one Cobra; is that correct?

Mr. BATTARD. We have a Cobra and it has been a tremendous aid to us. In fact, I got a briefing just before leaving, and in every case where we use a Cobra, the pilot was arrested. He did not get away. Prior to that time we were running between 60 and 70 percent on pilot arrests, that is, they would land, abandon the aircraft, and we would not be able to get there in time to effect the arrest.

With the use of the Cobra, it was 100 percent effective.

Mr. **English**. Let's say that today you have an AWACS flying down in south Florida on a training mission, and you have that kind of coverage. Is there concern on your part whether you would have the resources to respond to all of the hits that you get off of AWACS? Is there that much traffic?

Mr. **Battard**. Right now we are geared up to a full force during those periods that are most active, and they do change somewhat. If AWACS were flying during a period where we were not fully geared up, there would be instances where we could not respond.

We have some of those instances now with referrals we get from NORAD. So we really have to coordinate when they are going to be in the area and when we are geared up to respond to all of their targets. We do keep a skeleton force in between, but normally it takes a lot more than just one aircraft to make an interception and to stay with it all the way.

Mr. **English**. Would you foresee with an AWACS, and with the type of vectoring that an AWACS could provide for an intercept, that that would reduce the number of aircraft that would be necessary to make an intercept?

Mr. **Battard**. It would replace one of the aircraft that we use. We use a Citation now which has a limited capability. But it still requires additional aircraft, because often a plane will land on a strip on which the plane we are chasing may not be able to land. That is where the Cobra was of tremendous assistance.

It could stay up with the small aircraft and it could land anywhere. We don't always have the right combination on every interdiction.

Mr. **English**. That particular Cobra aircraft is not flown by military personnel, but Customs personnel?

Mr. **Battard**. Customs personnel, trained by the military.

Mr. **English**. Do you anticipate requesting additional Cobra aircraft in the future?

Mr. **Battard**. I plan to recommend that to the Commissioner.

Mr. **Juliana**. It's already under review, Mr. Chairman. That is the second of the three. The request has already been made.

Mr. **Von Raab**. I have been in the Cobra aircraft myself. It's a great aircraft. We should mention, however, it's not an armed Cobra.

Mr. **English**. I have been in an armed one, and they are something else too, I guarantee you. They are very fast for helicopters; they are indeed.

Mr. Kindness?

Mr. **Kindness**. No questions, thank you, Mr. Chairman.

Mr. **English**. Mr. Shaw?

Mr. **Shaw**. No questions.

Mr. **English**. I would like to go ahead and complete some questions, Commissioner, with regard to Customs. What is the present surface detection capability, particularly in some of the remote areas in south Florida as far as Customs is concerned.

Mr. **Von Raab**. Bob, why don't you answer. I am happy to answer but he is right there on the spot.

Mr. **Battard**. Right now we are limited. It's my understanding this was primarily air-to-surface capability and we are limited in that we only have two aircraft with this capability and they are both assigned to the Florida area now.

But we use it, basically, when there is some specific information, or when a large number of aircraft are coming in during a short period of time.

Mr. ENGLISH. In these areas, not just southern Florida, but in the whole Florida area, particularly the western part where you have a lot of activity, would you expect then with the use of the OV-1 that was mentioned here, that that would fill in a lot of gaps for you as far as what you are now facing?

Mr. BATTARD. I am really not familiar with the capability of the OV-1 other than what we have heard here this morning. But it would appear to me the aircraft so equipped could be of assistance to us. We are making many interdictions into Florida now.

Where most of them used to be made right at the southern point, they are now going all over central Florida, northern Florida, and up to the Carolinas and Georgia.

Mr. ENGLISH. So, really, the OV-1's area in which it would be stationed, which would be central and northern Florida, if I am correct, is of interest to you.

Mr. BATTARD. Customs has an air-support branch in Jacksonville also. I think they would work with the Army in that particular area.

Mr. ENGLISH. Do you have sufficient resources in Florida at this time to respond to most of the interdiction responsibilities?

Mr. BATTARD. I think we do in the area of marine interdiction because the Customs Service did move a large number of people into southern Florida and throughout the southeast region. We could still use some resources in our air program and I think the Service had experienced some problems in trying to reallocate its air resources. So, consequently, we are very needy in that area.

Mr. ENGLISH. From a surface standpoint, and this is where I think the OV-1 would be used primarily, as opposed to air, do you have the capabilities to move into some remote spot in the Everglades?

Mr. BATTARD. Yes. We have helicopters that have that capability. I have to say that we have worked very closely with State and local officials in Florida, because they are equally concerned with the problem. Normally an interdiction of that type would involve several State and local agencies along with Customs.

Mr. ENGLISH. That is the other question. I was wondering, whether the Customs Service and DEA, and other Federal agencies, as well as local agencies, pool their resources in certain times?

Mr. BATTARD. I would say the majority of the large marine cases, the large marihuana cases involve officers from several agencies, both at the Federal and State level. We are just outnumbered down there by the number of people attempting to smuggle, and it does take combined resources in almost all of the large cases.

Mr. VON RAAB. May I add to that that the Tiburon II operation, which admittedly was off the coast, was, we felt, a very good example of cooperation among DEA and the Coast Guard and Customs. Obviously, the task force that Vice President Bush has suggested is right in line with what you are talking about. We hope this will be a perfect example of cooperation among DEA and State and local authorities. So that is one past example of a good effort at cooperating, and the Vice President's task force, we expect, will be a second and even better example.

Mr. ENGLISH. Mr. Secretary, just for the record, would you care to give us the same commitment on the OV-1 that you did with regard to the AWACS?

Mr. JULIANA. Yes, sir.

Mr. ENGLISH. No problem there?

Mr. JULIANA. No problem. I might just interject here, that I think you all have a copy of the Vice President's press release and you may want to make that part of the record because it does outline 16 specific things that they are doing already down there.

Mr. ENGLISH. Very good.

[Information printed in appendix.]

Mr. ENGLISH. It seems to me that again, Commissioner, your experience during Thunderbolt has provided a cooperation between both Customs and the Department of Defense which would allow you to respond to increased detection capabilities being provided by the Service in a relatively short planning time.

Would you agree with that characterization, Commissioner?

Mr. VON RAAB. Yes. We have found that a very useful exercise.

Mr. ENGLISH. Who is coordinating the law enforcement agency efforts toward stemming the drug trafficking in the United States today? Is there someone?

Mr. VON RAAB. Who is coordinating?

Mr. ENGLISH. Is there a coordinator?

Mr. VON RAAB. I guess, to be a little more specific, there are many agencies involved. Each of us has a slightly different responsibility. The ultimate coordinator in any particular operation is the U.S. attorney.

Now, if you are talking at a higher level, I meet with Bud Mullen regularly and speak to him about any cooperative efforts we may have there. There are White House groups that get together with drug enforcement principals. We attempt to coordinate at that level.

I am not sure what it is you are looking for.

Mr. JULIANA. Maybe I can help out as a member of the working group of the task force. As part of the 16 initiatives already underway, a new U.S. attorney, Stanley Marcus, hopefully will be confirmed and is already working in Florida. He has been a member of the Department of Justice strike force in Detroit, Mich., and he is being transferred down to Miami to take over that assignment.

In addition, there will be 18 brandnew assistant U.S. attorneys, some experienced from the field, transferred to the Miami area, and I think that there will be a coordinator named to coordinate the activities of all of the Government agencies involved in the drug operation down there.

That individual, to my knowledge, has not been named yet.

Mr. ENGLISH. That is what I am wondering about, Mr. Secretary. You have an awful lot of agencies getting involved to one degree or another, and I was wondering whether anybody is coordinating anything. The thing you get down to, of course, is Customs has their responsibilities, DEA has theirs, and now we have the FBI in, and I guess you even have Internal Revenue Service doing a little bit too.

Mr. Von Raab. I believe primarily the coordination at this stage is out of the Vice President's office, and I believe Admiral Murphy has played a significant role in those activities.

Mr. English. I am wondering if you have enough folks getting together to handle all of the information that is going to be provided by AWACS or OV-1 or whatever it is you have. I am just wondering who you go to see if you are short of folks and say, look, we need some help and we need to coordinate our activities.

Are they going to coordinate only on the Federal level or with local law enforcement as well?

Mr. Von Raab. The coordinator Mr. Juliana spoke to will be responsible for coordinating not only Federal agencies but State and local efforts as well.

Mr. Juliana. That coordinator will be named by the Presidential task force, Mr. Chairman, if he has not already been selected.

Mr. English. I hope he is a very diplomatic person, because in the past we have had a terrible time in the relationships between the Federal officials and State and local officials. We have run into that time and time again. In fact, we have had a terrible time in coordinating between the various Federal agencies.

We have had some real horror stories in the past about the relationship between these agencies. I think it's an important key, if we are really going to get a handle on this drug situation, that you at times pool resources and join together rather than bickering and fighting as has happened in the past. There has been a lot of that taking place.

Mr. Von Raab. I think we should keep our eye on the Vice President's task force. I think that will show whether we will be able to do that.

Mr. English. Better check with the Vice President to make sure he is willing to take on that responsibility. He may not want that, I don't know, given some of the difficulties we have had in the past.

One other thing, Commissioner. Do you have any reason to expect that drug traffickers monitor your operation on radio frequencies?

Mr. Von Raab. Yes; we do have a problem with that, and we are trying to address it by obtaining some secure radio equipment. But I think Mr. Battard can probably give you a firsthand answer to that.

Mr. Battard. We do lack secure air-to-air, air-to-ground communications. It became apparent during the recently completed Operation Thunderbolt. This would certainly be an area in which we will be meeting with the Department of Defense and asking for possible help in terms of better communications equipment and more secure communication. But our experience to date has not been too good with the equipment we have available.

Mr. English. The Department of Defense does have, of course, the secure radio equipment. Is this No. 3, Mr. Secretary?

Mr. Juliana. I think we are up to No. 7.

Mr. English. I see. So, I would assume then, if the request has not been made, it will be made for assistance with regard to securing the radio transmission of Customs and other Federal law enforcement agencies in the drug area, is that correct?

Mr. **Battard**. Yes, sir. We would hope they could be of assistance to us.

Mr. **Juliana**. We have talked about the whole area of communications and intelligence, Mr. Chairman, and it's one of those areas under review, yes.

Mr. **English**. Mr. Kindness?

Mr. **Kindness**. Thank you, Mr. Chairman. I don't have any further questions, but I think this has been a very useful hearing in the oversight of this area, partially reviewing what is already underway in a relatively new area of cooperation.

There is no need for further emphasis on the importance of the correlation of these activities, but I would put it this way, that I, and I am sure the chairman, would agree, I think this subcommittee would like to hear from any of those agencies involved whenever it appears there is some role we can play in an oversight capacity that may help to bring about resolution of the problems that develop, or smooth a way for cooperation, including potentially the need for legislation that does not exist at the present time.

I am sure we would be most anxious to try to be helpful in that regard if that problem arises. We certainly are going to be following up by way of further oversight to review the progress in this area, hoping to do that in a constructive vein, I am sure, so we are here to help too if we can.

We certainly appreciate the testimony and viewpoints that have been presented here today.

Thank you.

Mr. **English**. Thank you, Mr. Kindness.

Mr. Shaw?

Mr. **Shaw**. Mr. Chairman, I have nothing to say other than to thank both you and Mr. Kindness for allowing me to sit up here with you today, and I thank these witnesses.

I think we have had a very fine exchange and I compliment you and your subcommittee and staff for having worked out what I believe was a most productive afternoon.

Also, I would like personally to thank you for recognizing that a problem that just happens to be located in Florida is a national problem and certainly has long-reaching effects in all of the States of this country.

It's very vital that we do work together, and with cooperation such as what I have heard here today, and from this committee, I feel even better than I did before I came in about the Federal Government's commitment and seriousness in getting involved in finding the solution to a very, very difficult problem. And I think also to be able to find it in a very nonpartisan manner.

Thank you.

Mr. **English**. Thank you, Mr. Shaw. I appreciate that.

I am pleased with the progress that we have made today. We have agreed to some specific operational areas in which the military can make a significant contribution in the fight against the illegal importation of drugs into the Southeastern United States.

An important aspect of this is that the military can provide assistance at no additional cost to the Customs Service. I expect the details to be concluded promptly and that the program will be implemented as soon as possible. The subcommittee will keep a close eye on activities in this area.

As I have said, this is the first of a series of hearings on this subject. Our next hearing will be held to review the DOD implementation directive and will include representatives from the U.S. Coast Guard and Drug Enforcement Administration.

Thank you very much.

The hearing is adjourned.

[Whereupon, at 3:45 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

MILITARY ASSISTANCE TO CIVILIAN NARCOTICS LAW ENFORCEMENT

WEDNESDAY, MAY 19, 1982

House of Representatives,
Government Information
and Individual Rights Subcommittee
of the Committee on Government Operations,
Washington, D.C.

The subcommittee met, pursuant to notice, at 1:07 p.m., in room 2247, Rayburn House Office Building, Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representative Glenn English.

Also present: William G. Lawrence, counsel; Theodore J. Mehl, professional staff member; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. English. Today we begin the second in a series of hearings on military assistance to civilian narcotics interdiction efforts. The main focus of early efforts has been in the State of Florida, which is the preferred area of entry for smugglers because of its location and its extensive navigational and refueling facilities. As a result, the success of our drug interdiction program can be measured by how effectively smugglers are deterred from operating in Florida. When we have achieved a permanent success there, we will then be prepared to respond to alternative points.

On February 14, 1982, I stated to the press in Oklahoma City that radar coverage should be provided by the military through the AWACS and the naval aircraft which has a unique "look-down" capability which is needed to detect low-flying smugglers. Several days later, Vice President Bush announced in Miami that these aircraft would, indeed, be used to supplement the other resources of radar available to the Customs Service. We wish to hear today of the successes which have been obtained through the use of these military resources, and of the plans for the future.

At our earlier hearing on this subject, I noted that there are a number of limitations on the use of the military. First, the law prohibits the utilization of military resources if military preparedness is degraded as a result. Second, the budgets of most civilian law enforcement agencies cannot support the high cost of military assistance.

Accordingly, it is critical that we exploit our limited resources to the fullest. We must identify areas where the needs of the law enforcement community overlap with military training and operational requirements. This is the only way that meaningful, cost effective, and lawful assistance can be provided by the Armed Forces.

In the short run, the interdiction efforts have reportedly been successful. However, because of the legal and financial limitations just mentioned, what has worked in the short run will not work forever.

Earlier in my statement, I mentioned the extreme importance of implementing a permanent solution to the trafficking situation. I might also say that in April, during the Easter recess, I had the opportunity to fly with the first AWACS flight into the Florida area, and in the coverage of that area I was able to see the coordinated effort that was taking place between Customs and the military. I also had the opportunity to see firsthand the facility known as "Seek Skyhook" in the Florida Keys which provides radar coverage throughout the southern part of Florida.

After that trip, I met with the Vice President, discussed the need to implement now, move ahead as rapidly as possible, toward a permanent solution to this problem so that we indeed can meet this threat on a permanent basis.

Today we have as our first witness Mr. John Walker, who is the Assistant Secretary for Law Enforcement with the Department of the Treasury.

Mr. Walker, I want to welcome you here today, and I appreciate your coming before us.

STATEMENT OF JOHN M. WALKER, JR., ASSISTANT SECRETARY FOR LAW ENFORCEMENT AND OPERATIONS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY GEORGE C. CORCORAN, ASSISTANT COMMISSIONER OF ENFORCEMENT, U.S. CUSTOMS

Mr. **Walker**. Thank you, Mr. Chairman. I have with me today, at my side, George Corcoran, who is the Assistant Commissioner of Customs, in charge of border operations.

Mr. Chairman and members of the subcommittee, I welcome the opportunity to provide this subcommittee with a progress report on the role of the Treasury Department in the interdiction and investigation of drug smuggling operations as part of the Vice President's Task Force on South Florida.

In so doing, I would assure the subcommittee that we have received excellent cooperation from the Defense Department in our efforts to detect and interdict air and maritime drug smuggling operations.

I also wish to express the appreciation of the Treasury Department, Mr. Chairman, and indeed the entire law enforcement community, for the assistance and advice that we have received from members of this subcommittee, especially you, Mr. Chairman, and the members of your staff.

As I have already indicated, one of the most promising tools in the interdiction of drug smuggling is the use of military technology. The Defense Department has been extremely helpful in supporting the Customs Service during Operation Florida. The use of naval E2-C aircraft equipped with APS-125 radar to detect low-flying intrusions has been an essential contribution to our overall interdiction strategy. We are also using military helicopters such as the Cobra which have been invaluable in increasing our capability to seize smuggler planes and apprehend the suspect pilots. We are pursuing with the Defense Department the future use of these resources to deal with drug smuggling.

Cooperative efforts, such as Operation Florida and Operation Thunderbolt, which preceded it last year, prove that combined resources do make a difference. We see great potential for improving the Federal attack on drug smuggling through the combined use of civilian and military resources. The Defense Department has assured us that we will continue to receive flexible and timely radar and other support from E2-C and E2-B flights as needed until other equally effective technology is available.

As the chairman is aware from earlier discussions and correspondence, Treasury is now working with the Defense Department to acquire or make use of additional technology that would enhance our long-term radar coverage and interdiction capability. Because of the sensitivity of this technology and our desire to prevent drug smugglers from learning more about our interdiction capabilities, I request that we hold a closed session if further discussion of our future plans is desired.

I have referred earlier to the Vice President's task force to combat crime in Florida. This task force has a number of objectives which directly involve the Customs Service, and this involvement in Operation Florida has required a substantial deployment of Customs resources from all over the country.

This deployment includes approximately 250 Customs agents, inspectors, control officers, and support personnel, along with the equipment to supplement our permanent resources in Florida.

Customs investigators operating as part of a DEA/Customs joint task group have undertaken intensive investigations of drug smuggling seizures and arrests.

Since the establishment of the Vice President's task force, enforcement statistics and intelligence data indicate this effort in south Florida has had a deterrent effect on the flow of illicit drugs, particularly that which is being brought in by private aircraft.

It is too early at this time to determine whether there has been a displacement of smuggling operations to other areas, but it is believed that smuggling between Colombia and south Florida is less flexible than originally thought. Constraints which smugglers must contend with—aircraft range, ground support, and the established covert refueling arrangements—are restrictions which the smugglers cannot remedy quickly.

There are other trends that indicate the impact of Operation Florida. Wholesale prices of marihuana and cocaine in Colombia have dropped substantially while street prices for these two drugs in the United States are on the rise, indicating the increased risk of delivering drugs to the United States.

Numerous smuggler aircraft appear to be on standby throughout the north coast of Colombia, apparently awaiting the decline in U.S. enforcement efforts. A noticeable decline in aircraft intrusions is reported by C-3 Customs radar operations during the past 2 months, since Operation Florida has been in operation.

Two-man flightcrews are demanding $100,000 to $150,000 per load which is almost double what they were paying before Operation Florida.

Smuggler pilots are now refusing to land in the United States in many cases, but are air-dropping their cargos.

Maritime smugglers are rerouting their traffic more easterly, through the Mona Passage, away from the Yucatan straits.

Miami Chief of Police Kenneth Harms reports a marked decline in major crimes in Miami, including a 43-percent drop in the murder rate. Chief Harms attributes this decline in part to the stepped-up Federal narcotics enforcement effort.

The Joint DEA/Customs task group has initiated a number of procedures which includes: The prosecution of all persons arrested in connection with interdiction cases; the debriefing of all violators for intelligence information that might be of value for future interdiction; the development of confidential informants and cooperating defendants to a degree that had not been conducted before; convoying of narcotics in cooperation with DEA; and the tracking of currency related to interdiction arrests for future financial investigations.

It is evident from the information I have just provided that coordinated Federal efforts of Operation Florida are now beginning to pay off.

And, Mr. Chairman, I would like to bring to your attention a significant development yesterday that took place. At approximately 9 a.m. yesterday morning, U.S. Customs officers, with the assistance of the Drug Enforcement Administration and the sheriff's office of Iberia Parish in New Orleans and the Louisiana State Police Department seized 1,100 pounds of cocaine, valued at at least $50 million wholesale and a jet Convair 880 aircraft at the Acadiana Regional Airport in New Iberia, La. It is our information that this particular seizure was a result of diversion from south Florida, that this was a Miami operation.

The aircraft which was being used to transport cattle from New Iberia to Panama was bringing drugs back in return. Customs inspectors and several patrol officers conducting an inspection of this aircraft discovered the cocaine hidden in cattle feed sacks. There were 25 feed sacks with approximately 20 1-kilo packages in each sack. And three people have been arrested and charged with possession of cocaine with intent to distribute.

This is the largest cocaine seizure in that particular region, which encompasses Louisiana, Mississippi, Alabama, Arkansas, Tennessee, and the Panhandle of Florida, and is the second largest seizure of cocaine in the history of the Customs Service. The only larger one I think occurred earlier this year, just at the beginning—at the time that Operation Florida was beginning to get underway.

So this is an example, we think, of the success of the Operation Florida program, which is bringing intensive pressure to bear on the narcotics smugglers and the cocaine smugglers that are coming up into the Southeast part of the United States.

Mr. Chairman, we must continue and, if possible, intensify these if we are to have a lasting effect on drug trafficking. Military technology made available to Federal law enforcement agencies has and will continue to play a significant role in this effort. The continued support of this subcommittee is an important factor in making this program possible.

I appreciate the opportunity to appear before this subcommittee, and I will be pleased to provide any additional information you may desire.

Mr. **English**. Thank you very much, Mr. Secretary.

Congressman Dante Fascell, from Florida, has arrived, and I would like to hear his testimony before we begin the questioning, if we could.

I might also say that Congressman Fascell is a member of the Government Operations Committee. He has been rather dogged in his encouragement for this subcommittee to pursue a permanent solution to this problem and I have relied on him very heavily for information about the south Florida area and this problem in particular. It is as a result of his dogged pursuit that this committee has been pursuing a permanent solution.

Dante, we certainly want to welcome you here today. We appreciate your taking time out to testify before us.

STATEMENT OF HON. DANTE B. FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. **Fascell**. Mr. Chairman, I thank you very much for the kind remarks. I appreciate what you say and the spirit in which you say it.

I apologize for being a little late. I was at another committee meeting, it was over in the other building, and I just couldn't get away in time to get here. I want to thank the witnesses for permitting this interruption to let me proceed so I can go to still another meeting.

I do have a prepared statement which I would like to submit for the record.

Mr. **English**. Without objection, your full statement will be made a part of the record of this hearing.

Mr. **Fascell**. I want to thank you and the members of the subcommittee for the interest that you have shown in this matter. I was particularly pleased with your statement of intent. This is extremely vital. I am very happy that I got to hear the Assistant Secretary and his report to this committee on what is being done with Operation Florida. I think it is great.

It is quite clear, Mr. Chairman, that without a determined Federal effort, there is no way this country is ever going to get a handle on this issue.

I am now repeating and paraphrasing a finding of this committee, the Government Operations Committee, made some 10 or 15 years ago, when we suggested at that time that, notwithstanding all of the efforts that were going on; all the intentions and the moneys that were being spent; that there were several problems confronting us as a nation in our efforts to deal with crime and narcotics. Crime, generally, was overwhelming the Nation. That was our finding then.

Now, some years later, we find that the problem is even worse than we had anticipated, both in economic terms and social terms.

So everything that Operation Florida has done we thoroughly welcome because we have been at the brunt of it by geographic accident.

We felt that there had to be—and if we didn't have it, we would have to create something like it—a drug enforcement administration, some kind of a coordinating mechanism within the Department of Justice so that the prosecutorial arm and the investigative arm would be working together to bring about the kind of relationship between local and national law enforcement that is absolutely imperative. We found that throughout the country local enforcement agencies and capabilities were and are totally overwhelmed. The problem is international and interstate. It is far beyond the capability of local law enforcement agencies or States, either combined or individually.

Therefore, I think the commitment, the necessity for the commitment at the Federal level is obvious and it is imperative, has been and will continue to be.

Our community in south Florida has responded in a fantastic fashion, in my judgment, to this special problem. We have 70 percent, it is estimated, of all narcotics in the country coming through the Florida area, or were.

Mr. ENGLISH. Maybe more.

Mr. FASCELL. Maybe more. With the whole question of illegal aliens being absorbed into the community, with the problem of refugees, I think our community, the whole south Florida area, has responded in a way that is absolutely commendable.

In the case of crime we had complete resurgency, if you will, of American spirit, with a group of citizens, all private citizens, under the Miami citizens against crime, with Alvah Chapman of the Miami Herald, Armando Codina, Frank Borman, and many, many others, all leaders in the community who have come together and have said:

> We are determined that our community is going to be safe and we are going to demand whatever is required at the local level, at the state level, or the national level, to be sure that we are running this community, the law abiding citizens, and that we are not going to turn it over to the criminal element.

And you have to understand, Mr. Chairman, and members of the committee, we are not simply talking about illegal transactions and then it stops there. Leaving aside, just for the moment the fantastic social degradation that goes with the narcotics traffic, you have to understand that there is an economic degradation that goes along with this.

Almost every legitimate business will be impacted because of the necessity to "launder" the money. You find the money, the dirty money going to clean money in every single business. We need whatever changes are necessary in Federal statutes to make sure that those efforts to clean that money can be pursued by the Federal Government. If it takes amendments to the RICO statutes, whatever it takes, we have to give Justice the tools to go after that money.

Ultimately, while we are enforcing the law in the sense of catching the carriers and stopping the production overseas and putting the people in jail, we have to ultimately be able at the Federal level to trace the money and get to the people who are actually making all the money. And that means that IRS has to be given the capability in conjunction with other elements in the Department of Justice to once again make money cases. The real investigative might in this issue has to be brought to bear, and that includes the IRS, if we are really going to get to this job.

Some changes have already been made, including in posse comitatus, which was not easy, as you know, to get through the Congress, but it was done. We needed that help. We needed the military capability for intelligence and for those cases where it was compatible with national defense to use the equipment and the manpower to help in this struggle.

We've seen, as has been reported here, that it has had dramatic effects and it will continue to have as long as we continue the effort.

Two things worry me. One, the E2-C planes after 2 months were pulled out. We may be able to find an adequate substitute for the E2-C, but it is another kind of a trend that the criminal element is following. They are not stupid. Our reduced crime figures are good. As a matter of fact, you might say they are excellent. But let's face it, a lot of the criminal element are just sitting on the porch sipping bourbon waiting for the heat to die down to come right back in, come back out of the woodwork.

If the statement, as I understand it, is that this extra special Federal emphasis is only going to be for 6 months, then we've lost the whole battle. We cannot—"we" meaning the Nation—cannot afford to make that statement. We just cannot. We've got to make the other statement. We've got to say, "This is a permanent, continuing fight."

I am not pleading a case here for just south Florida. We happen to be there by geographic accident, we stick out in the Caribbean, we're close to a lot of the production sources, we have such a large coastline that a lot of it flows through us, but the drugs flow all over the Nation. We are talking about an impact on the Nation.

So we are talking about a national fight, Mr. Chairman. We're not talking about local assistance to a community that has borne more than its share for a long, long time.

With those two caveats, Mr. Chairman, I welcome the investigation by this committee. I am delighted at the results that have already been produced. I urged this administration from day 1 to be cognizant of this problem. I wrote the President and every Cabinet officer who had a responsibility, outlining the problem, asking for and urging assistance.

We've had good response from the Congress on this. We have added additional moneys for the Coast Guard. We have added moneys to the budget in other areas where we thought it was necessary. The administration has responded in the 1983 budget by picking up some of the items and not making some of the cuts which at first they were disposed to make.

So, we are making progress. And if the administration will continue on this course, give us the permanent commitment of material and manpower that are necessary to do this gigantic job, if the Congress will continue its assistance, with the kind of community effort which has brought everybody together in south Florida, determined to clean up this community, we can have really a national impact.

Mr. Chairman, as you examine the question, all the related questions of impact on defense capability we want you to know that we recognize that we can't diminish or impair our defense capability. We are not suggesting that. But I am saying, as you examine that, to be sure that we have proper alternatives, that the commitment is permanent, and that this job, which now has been commenced with the help of top officials in the administration—the Vice President's task force—that it continues to give the kind of encouragement which is so strongly supported by the people in south Florida.

[Mr. Fascell's prepared statement follows:]

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STATEMENT OF CONGRESSMAN DANTE B. FASCELL (15th District, Florida) BEFORE THE SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS OF THE HOUSE GOVERNMENT OPERATIONS COMMITTEE - May 19, 1982

Mr. Chairman, I very much appreciate your giving me an opportunity to appear before you today. However, I appreciate even more the fact that your subcommittee has been investigating and is now holding hearings on the entire question of the federal government's response to the critical crime and drug trafficking problems we have been experiencing in South Florida. While the impact of these problems has been felt most strongly in my community, they are national in scope and deserve our very close scrutiny to ensure that the actions being taken will have the desired result.

As you know, the Vice President announced earlier this year that a massive federal effort was being undertaken in South Florida to attack these problems, which have become well-known through massive national press coverage. A special Federal Task Force was formed and large numbers of additional equipment and personnel--both military and civilian--have been pouring into South Florida.

Mr. Chairman, I have been calling for this kind of response for years and, the day this administration took office, I again wrote to the President and every Cabinet officer with jurisdiction urging that immediate, priority attention be given to South Florida's problems of illegal immigration and narcotics trafficking. Therefore, when the Vice President announced the Task Force, I warmly welcomed it as being vital and pledged my support in the Congress for the funds necessary to carry it out. However, the Vice President made it clear in his announcement that these extraordinary measures were to be temporary in nature and indicated an approximate period of six months during which this concentrated effort would be made.

I expressed my concern then, and it remains a very real concern today, that temporary solutions are no solutions at all. In order for this

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effort, which I do commend, to be truly effective, there must be a permanent commitment to South Florida on the part of the federal government in terms of staffing levels and equipment for all the federal law enforcement agencies involved. These include INS, DEA, FBI, the Customs Service, the Coast Guard and the military services, which are now permitted, under recently passed *posse comitatus* legislation, to assist civilian agencies in their law enforcement responsibilities.

There have been some impressive and encouraging headlines in the last two months to the effect that crime statistics--particularly, drug trafficking--have declined dramatically in South Florida. This is certainly good news but it is hardly surprising. Criminals read newspapers and criminals are not necessarily stupid. They are laying low while the heat is on. They know--because the Vice President said so--that the heat is only temporary and they will be able to resume their activities as soon as the concentrated effort begins to be withdrawn. It's happened before and there is no reason not to expect it to happen again. In fact, a U.S. Customs officer is quoted in the Miami *News* of April 15th as saying "We haven't stopped smuggling. We aren't deterring smugglers. They are just waiting us out."

As you know, one of the actions taken under the Task Force was the assignment of four Navy E2-C radar aircraft to South Florida for the purpose of surveillance of the waters around the State to detect vessels suspected of illegal activities. About two weeks ago, two of these aircraft were transferred out of South Florida, only two months after their arrival. The Miami *Herald* learned of and reported it. The Miami Citizens Against Crime, which has been instrumental in spearheading community efforts to stop these problems, has urged the Vice President to return the planes, saying, "unless other compelling (and unannounced) rationale exists, this action merely reinforces the drug traffickers' apparent current decision to 'lay low' since the Feds are not sincere and will be gone soon."

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I know the subcommittee has been particularly interested in the role of these aircraft in the South Florida Task Force and that you will be discussing this with other witnesses later this afternoon. That is why I am so grateful that you are holding these hearings, because the basic issue remains, not only with respect to these planes, but also with all the actions that have been taken--and they have been considerable--with respect to South Florida's crime problems. The effort must be permanent to be effective.

In stating this--because I know a permanent commitment to the degree that is necessary will be expensive--I want to make it clear that we are not asking for something just for ourselves or for just one small area of the country. South Florida's problems are national problems and South Florida is bearing the brunt of them primarily because of an accident of geography. Our State just happens to be located closest to the Caribbean and Latin American countries which produce the greatest volume of illegal alien and narcotics trafficking. They enter the United States through Florida, bringing with them all the related problems that illegal activities imply. However, in the case of narcotics, they are then distributed throughout this nation. In the case of illegal aliens, most of whom stay in South Florida, our citizens are being made to bear the burden of what is a national policy. The costs in terms of money and in human and social terms, are tremendous. It is imperative that we take every possible step we know to put a halt to these activities and these steps must remain in place and operational indefinitely.

I would like to add one more point, and that is the role which has been played by the private sector in South Florida in combating crime. Under the guidance of Mr. Alvah Chapman, Frank Borman, Armando Codina and other outstanding community leaders, the Miami Citizens Against Crime (MCAC), which I referred to earlier in my testimony, has been formed to deal with the

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problems of crime and drug trafficking at the federal, state and local levels. This organization has done a superlative job in galvanizing the community, including the public, private and commercial sectors. MCAC has demonstrated that only the determined will of the citizens of a community can bring results in a situation like this and they have been very successful so far. However, even though the local community has taken these steps to protect itself, it is incumbent upon the federal government to continue to provide the permanent support that is necessary to back it up in the areas of federal jurisdiction.

Again, I am deeply grateful to you for recognizing this situation and for giving me the opportunity to comment on it.

Mr. ENGLISH. Thank you very much, Mr. Fascell.

For those of you who are from the Florida area who wonder why an Oklahoma Congressman has taken such an interest in that part of the country and that area, I think you have just had a demonstration as to why. Mr. Fascell has encouraged this subcommittee to vigorously pursue this and he has given us tremendous support over the past months. I am sure we can look forward to that in the future. I thank you for your support, Dante.

Mr. FASCELL. I thank you for the committee's effort and attention. I assure you of my complete cooperation, as I assure the Assistant Secretary, who is sitting right here. Anything I can do to help to meet this obligation, I am perfectly willing and stand ready to do it.

Mr. WALKER. Thank you very much. We appreciate it.

Mr. ENGLISH. Mr. Walker, I do have a number of questions that I would like to pursue.

With regard to your statement, in which you indicated a concern about going into some of these sensitive areas too deeply, I certainly am sympathetic toward that. I think that we are going to have to pursue it a bit, but if we do need to go into deep detail on some of these items that are under consideration—such things as radar coverage capability and so on and so forth—then I would certainly honor your request. I don't think that's going to be necessary. I think we will be able to achieve our objectives without going into executive session.

Mr. WALKER. Fine, Mr. Chairman. I just would hate to see the hearing result in some benefit being conferred on the smugglers who are the targets of our enforcement effort. I am sure that we can satisfy all of the needs for full and complete answers here without conferring that benefit and I would hope that we could proceed in that manner.

Mr. ENGLISH. Well, I would hope that the type of responses that we are able to obtain during this hearing are going to strike such terror in the hearts of any of those who are contemplating the im-

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portation of drugs into south Florida that we may be able to declare victory today.

So, we'll see how we can proceed, and see if we can strike a blow in that direction.

Mr. Secretary, is the Florida Peninsula the preferred route for airborne smugglers, particularly as far as cocaine, marihuana, and other dangerous drugs are concerned?

Mr. **Walker**. Yes. I think that is clear and that certainly has been the case over recent years.

Mr. **English**. And these drugs which flow through Florida then move throughout the United States, so it is not just drugs flowing into the Florida area and stopping? They move through there and through all parts of the country?

Mr. **Walker**. That's correct. I believe Congressman Fascell referred to 70 percent. I think our figures are closer to 80 percent of the cocaine and marihuana that is entering the country is coming in through the Florida region, and obviously then we are dealing with a national problem, not just a local community problem. So that our efforts in south Florida really are having a national impact and must be viewed in that context.

Mr. **English**. Do you agree that a permanent and reliable radar identification system must be established to cover the air trafficking routes into Florida?

Mr. **Walker**. Yes. I think that we really have to now focus our attention on taking our task force, which has been created really on kind of a crash basis, and looking for ways in which to let that evolve into a permanent deployment in such a way as to deal with the problem on a long-term basis. I think part of that includes, obviously, radar identification, and the need for a permanent radar capability.

Mr. **English**. What has been the effect over the last couple of months on air traffic smuggling as a result of the deployment of the E2-C's and the AWACS in the Florida area?

Mr. **Walker**. Well, the overall air interdiction program can only be termed an outstanding success, since the beginning of the program. The use of the E2-C radar planes has been an important, but not an exclusive part of that program. We have had better coordination with NORAD. We've had better coordination with the FAA. We've used our Customs pursuit capabilities in a full capacity. We have added people to that Customs pursuit, to the air program in south Florida. And we have had the benefit, of course, of the E2-C radar planes.

But largely, I would say, what we have had is, we have had adequate coverage, adequate radar coverage and also the program has received such attention in south Florida that I think that the smugglers have been afraid, that there has been a deterrent effect as a result of the establishment of this program.

All of these factors have come into play here to create what can only be termed a great success. We have really had a remarkable drop in intrusions, in air intrusions in Florida, since the commencement of this program in mid-March.

Mr. **English**. Has there ever been any other time that Customs has been able to so completely shut down this traffic?

Mr. **Walker**. Not to my knowledge, no.

Mr. ENGLISH. Is it your expectation that the Navy and or the Air Force will provide E2-C and E3, AWACS, coverage over Florida for drug interdiction on a permanent basis, say 2, 3, 4 years down the road?

Mr. WALKER. Well, I don't think it is possible for me, from my position in Treasury, to comment in any detail as to what kind of coverage can be provided by the military, which of course is governed out of the Department of Defense, over the long term. We are hopeful to have adequate radar coverage from the military for the foreseeable future and we will be pressing every effort to have that radar coverage maintained.

I think that the use of these look-down radar planes, which obviously have an important role in the national defense picture, we cannot count on them on a permanent basis, but we are fortunate, we have had good cooperation from the military up to the present time, and we anticipate good cooperation in the near term, given the people that we deal with, given the current attitude in this administration.

I do think, however, that we've got to be looking beyond that to a system, a permanent, more permanent, radar system to deal with this problem.

Mr. ENGLISH. Dante Fascell pointed out that you may have some of these guys sitting on the front porch sipping bourbon waiting for the heat to cool on this issue, expecting that, as has happened in the past, the heat would be on for a short term and then things would be back to normal.

Obviously that is a real and a genuine concern that we've got to have, wouldn't you agree?

Mr. WALKER. I would agree with that. I would agree that there is concern among the citizens of south Florida that the Federal presence might somehow be a superficial effort. I would give the assurance of the Treasury Department that this is not a superficial effort. We intend to make this program stick and have a continued impact.

I would also point out, though, that we need to maintain flexibility in our approach, in our overall strategic approach down there. We cannot have a fixed program and then just simply blindly adhere to it for a period of years. We must recognize that the smugglers will change their modus operandi. They will change their ways of doing business. And we've got to be flexible enough to deal with that, both in terms of how they actually smuggle the drugs in, and also where they smuggle the drugs in.

Let me give you two examples. First, two examples of that are both embodied in the recent seizure that I have just announced that occurred yesterday. Those drugs were destined probably to come in through south Florida, 1,100 pounds of cocaine. Our information is that the company which owned that aircraft was a Miami company.

Now, that plane did not come in through south Florida. It went to Louisiana. It was diverted from south Florida and came up through Panama.

Also, in that particular instance, the normal flight plan procedures were followed. This wasn't a typical smuggling operation. This fellow was hoping to come in and fool the Customs authorities by coming in and filing a normal flight plan and then changing his mind at the last minute.

So, we've seen a shift in modus operandi and in location in that one particular instance. And Customs and the military, in working with Customs, have to be prepared to meet that kind of a change, and so we need flexibility.

Mr. ENGLISH. But there is a very important point that I think that you are making here, Mr. Walker, that needs to be stressed. What type of aircraft was it?

Mr. WALKER. That was a Convair 880, sir.

Mr. ENGLISH. And that is a very large aircraft.

Mr. WALKER. Yes, it is.

Mr. ENGLISH. It is required to fly great distances. So, what we are doing, in effect, by putting this type of pressure on in the Florida area, is forcing traffickers to attempt to divert to other means, other procedures, but you are denying them the easiest, the safest.

Mr. WALKER. That's right.

Mr. ENGLISH. And it becomes a much more expensive, much more complicated, and much more dangerous operation to pursue these other avenues, and the chances of getting caught are much greater.

Mr. WALKER. Yes.

Mr. ENGLISH. There is a tremendous deterrent value in this. I think that you mentioned earlier in your testimony that the change that traffickers are going to be pushed into is not as easy for them as we always anticipated.

Mr. WALKER. That's right.

Mr. ENGLISH. It is much more difficult. You are taking a trip that may at one time, in coming through Florida, have been something in the neighborhood of 1,000 miles. You may be able to rig up a small aircraft to make that kind of trip and have large numbers. But when you are forcing them to go to New Orleans, you are talking about a trip anywhere from 2,000 to 3,000 miles, and that's a far different problem and requires far different types of aircraft to do the job, and the chance of getting caught, as you have proven by catching them, is much greater.

So, I think that that is very important.

Mr. WALKER. There are a lot of lessons that can be learned from this particular seizure, such as you have pointed out.

Mr. ENGLISH. I am going to have to recess here for about 5 minutes. We have a vote on the floor. I will be right back.

[Recess taken.]

Mr. ENGLISH. Mr. Walker, I think we were talking about the E2-C's and the AWACS. For the record, do you know how much it costs to fly an E2-C per hour, what the cost is on that?

Mr. WALKER. I, of course, I don't have any direct knowledge on that in the sense that a representative from the Department of Defense might have, but my understanding, Mr. Chairman, is that we are in the $3,500 per day range on that one.

Mr. ENGLISH. Per day or per hour?

Mr. WALKER. Excuse me, per hour range.

Mr. ENGLISH. And how much is Treasury expecting to pay the Department of Defense for the use of the E2-C?

Mr. **Walker**. Well, we haven't received a bill from the Defense Department, and hopefully we won't get one.

Mr. **English**. OK. I hope you don't either. Would that kind of bankrupt you if you did, for the use of an E2-C for a month or two?

Mr. **Walker**. It would definitely hurt us badly, to have to pay that.

Mr. **English**. Counsel was just pointing out, then we would assume that you haven't programed for the cost of an E2-C?

Mr. **Walker**. That's true. We have not.

Mr. **English**. OK. The Vice President directed that the AWACS would be committed to support the Florida task force in the event that the E2-C's were not available. Is that happening?

Mr. **Walker**. Well, Mr. Chairman, my understanding is that the Vice President stated, and I could look back at the actual text of the speech, is that an AWACS-type aircraft would be committed to south Florida. So I don't know exactly what the—you know, we would have to go back and check the exact record.

I think that it is fair to say that the E2-C does fulfill the commitment of the AWACS-type aircraft. In other words, I think what he was referring to there was an aircraft with look-down capability such as the E2-C has.

Mr. **English**. Do you know of any other aircraft, other than an E2-C?

Mr. **Walker**. Well, there is of course the full AWACS. The E2-C, I believe, is the—could be termed a mini AWACS.

Mr. **English**. The Navy version?

Mr. **Walker**. Yes. I mean, there is the AWACS such as the type of AWACS that was recently involved in the transaction with Saudi Arabia, which is a larger version, and that I think would be useful to our effort, but I think it would be go far beyond our needs at the present time.

But I think what the Vice President was referring to there was the look-down capability in a radar, in an aircraft that would be satisfactory and suitable for the kind of operations we had in mind.

Mr. **English**. It was my understanding that the Vice President had directed that AWACS would be available in the event E2-C was not, and my question was: In those times that the E2-C is not available, is the AWACS going to be available?

Mr. **Walker**. Well, I think that—we have not, because we feel that we have adequate coverage at the present time, from the Department of Defense—we have not gotten into the details of that particular possibility. The circumstances have not arisen where we have had to put that kind of request to the Defense Department on that score. I can't say that it wouldn't be available in the event that we needed it. We just haven't really required it.

Mr. **English**. For your reference, Mr. Walker, this is a memo to the Secretary of Defense dated February 24, 1982, from the Vice President. In item No. 2 it states:

> A U.S. Air Force AWACS aircraft to provide the same coverage as the E2-C when the E2-C is not available.

I think that pretty much lays it out.

Mr. **Walker**. Of course, I wasn't copied on that particular memorandum but it is my understanding that AWACS will be available as part of training missions that would occur, that the Air Force would be conducting. But I think that really that line of questioning perhaps might bear greater fruit with a witness from the Department of Defense.

Mr. **English**. We'll get to them.

Mr. **Walker**. OK.

Mr. **English**. The point that I was leading up to, do you know what the cost is for an AWACS mission, approximately?

Mr. **Walker**. Well, I think it is quite expensive. I don't have the detailed information on that myself, so I can't——

Mr. **English**. I would assume the funds are not built into your budget for that one either?

Mr. **Walker**. No. We don't have such items programed in there. I am told that the estimated cost of an AWACS mission may be in the area of $100,000 to $150,000, and we have no funds programed, anything like that.

Mr. **English**. So this would be the Department of Defense that would pay for this, is that your understanding?

Mr. **Walker**. It would be my understanding and my hope.

Mr. **English**. OK.

Mr. **Walker**. A fervent one.

Mr. **English**. Are you aware, Mr. Secretary, of the capability of the radar system known as Seek Skyhook?

Mr. **Walker**. Yes, I am.

Mr. **English**. I would ask that staff give us a map showing the areas of coverage for Seek Skyhook. I believe it will be on this easel over here, Mr. Secretary, if you want to direct your attention toward that.

Has the U.S. Customs been using this capability?

Mr. **Walker**. Yes. The U.S. Customs Service has been coordinating with NORAD and has been utilizing this capability with respect to the Seek Skyhook down at Cudjoe Key, which is in Key West. It is the southernmost circle, I believe, there.

Mr. **English**. Mr. Secretary, to point this out, we have an area that would be Cudjoe Key down here. This circle then would be generally where the coverage would be for Seek Skyhook, correct?

Mr. **Walker**. That's correct. I don't know—what is the actual radius that you have drawn that circle from?

Mr. **English**. I believe that is from Air Force information.

Mr. **Walker**. OK.

Mr. **English**. This is a look-down radar. It would have the same capability as an E2-C or an AWACS from the standpoint of being able to look down to the ground, is that correct?

Mr. **Walker**. That is my understanding, yes. I think there has been some—in the discussions we have had—some question as to whether the radius would be 150 or 120 miles. With that one correction, I think we can——

Mr. **English**. We will be happy to ask the Air Force to verify this. Our information does come from the Air Force and since it is their radar we assume they know what they are doing.

Mr. **Walker**. Fine.

Mr. **English**. Do you know what the cost is with regard to the Seek Skyhook?

Mr. **Walker**. My understanding is, the installation of a Seek Skyhook is in the vicinity of about $10 million, the overall program.

Mr. **English**. To purchase one.

Mr. **Walker**. To purchase one.

Mr. **English**. The operation cost?

Mr. **Walker**. Per hour? It's in the vicinity of about $400.

Mr. **English**. $400. So what we are talking about is in the neighborhood of $7,000 for an AWACS per hour, around $3,500 for an E2-C, and about $400 for Seek Skyhook?

Mr. **Walker**. Yes. That's my understanding, yes.

Mr. **English**. We also have a second circle that is drawn here which we will get to a little bit later, which is going to be part of our proposal for a second Seek Skyhook, which will in fact cover nearly the entire Florida area, but we will get to that in a minute.

Mr. Secretary, could you discuss your request for that second Skyhook radar system?

Mr. **Walker**. Yes. I might say, Mr. Chairman, that as you pointed out, you met with the Vice President, and the Vice President listened carefully to your presentation, and the day after that meeting a second meeting was held at which I was present along with Admiral Murphy, you and members of your staff and we discussed with the—and also representatives from the Defense Department, Mr. Juliana was there—and we discussed the pros and cons of the Skyhook. As a result of that meeting, I did prepare a request to the Defense Department requesting Seek Skyhook capabilities and expressing the hope that a second Skyhook could be located at Patrick Air Force Base in addition to the one down at Cudjoe Key.

Mr. **English**. Did your letter to the Department of Defense request one or simply express a hope that there would be one?

Mr. **Walker**. Well, I said that we were very interested in using this platform, this radar platform's capability. We were hopeful that one could be located. We were at that point somewhat uncertain as to the exact potential that the Skyhook would hold but we were very interested in it and we wanted to be able to respond to all of its capabilities as soon as it could become available to us.

I think it is fair to say that we simply requested one. We requested that one be placed there.

Mr. **English**. You did request one. And have you determined since that meeting what those capabilities are as far as the Seek Skyhook is concerned?

Mr. **Walker**. Yes. My understanding is that they would be adequate, fully adequate, for Customs' purposes.

Mr. **English**. And would the coverage be very similar to the coverage that you are now receiving from E2-C's and AWACS?

Mr. **Walker**. Yes, it would be similar. It would have the look-down capability. That's the main similarity. There are some differences but they are not major and it doesn't have quite the capability that the E2-C does but the differences are minor. They are really immaterial for our purposes.

Mr. **English**. Would it in any way affect the impact as far as the job you are able to do? Does it make any difference, in other words, whether you use E2-C's or are using the radar off of Seek Skyhook?

Mr. **Walker**. I don't think that our—if you have a Seek Skyhook in place it would provide the same effect in terms of detection and deterrence that the E2-C does. It would have the added advantage, of course, of being on station more hours a day, and that would obviously be to our advantage.

Mr. **English**. The second circle on the map does indicate the coverage of the second radar. I believe that circle is drawn using the Kennedy Space Center rather than Patrick Air Force Base, so it is a little bit high. It comes down a little bit lower than that, the actual coverage. This is coverage to the water, actually to the water itself. Obviously if our interest, which it is in this case, is looking at aircraft attempting to slip under the existing radar net, it would go even further out than that, due to the fact that you would—due to the circumference of the Earth—you would be able to get more coverage than that. So this would be the worst-case scenario, which, as I understand it, puts it right at the ADIZ in that area.

I am going to have to break again, Mr. Secretary. I am sorry. We've got another vote. We'll come right back.

Mr. **Walker**. All right.

[Recess taken.]

Mr. **English**. Mr. Walker. I think the point that I was trying to make before is pretty clearly shown on the map. Namely, the entire Florida peninsula would be covered with the two Seek Skyhooks and that coverage would extend well out away from the mainland. I think that as you pointed out it would give us the very same capability that we now enjoy with AWACS and with the E2-C's.

Mr. **Walker**. We would hope though that with the use of these Skyhooks we would not be precluded from having continued E2-C and similar coverage because we would expect some diversions.

Mr. **English**. I would agree. I pointed out in my earlier statement, that what is now taking place, and what we would continue to expect to take place, is the training missions will take place in that area, whether it is the use of AWACS or E2-C's. We see these areas in here which are the training areas that particularly AWACS uses out in these ranges, so they are all in this area, and we would hope that any time that one or two of the Seek Skyhooks would be down for maintenance we would have a training mission that would be scheduled in that area so that there would be no time in which we did not have ample coverage.

We would also expect that there would be times that you would have both the Seek Skyhooks up and the AWACS and or possibly the E2-C's augmenting them.

It should also be pointed out, the AWACS coverage, particularly if it is down anywhere in this area, is going to be far into the whole Gulf area. So we may expand the coverage at any given time, and I think that that's going to take away any question that people might think they can get around by coming in this area. They are still going to have to face the possibility that there may be an AWACS in that area and it is going to do them just as much damage.

I think there is another facet of this, Mr. Secretary, that we need to talk about a little bit. That is, wouldn't a dual system such as this also free up some other Customs assets after a period of time so that they might be used elsewhere? In other words, won't that, with this type of a system in place, allow you to possibly strengthen your efforts elsewhere? Or if you see that there is an attempt to try and run a 2,000- or 3,000-mile route into some other part of the country, you could then respond to that with this type of a system in place?

Mr. WALKER. Yes. It would certainly give us greater flexibility with our resources, I think, than we presently enjoy. Of course, we would have to maintain forces available to respond to any intrusions that are detected by the Seek Skyhook, but I think that obviously with that capability we would be freer to utilize our resources in other ways.

Mr. ENGLISH. And also with this scenario, this would allow for consideration to be given for other areas of training for either the E2-C's or AWACS. If you should find an area in which you have had some indication that activity is picking up, you could request that the training take place in that area, that they keep an eye out for possible activity.

As I understand it, use of these military missions depends a great deal on where the training can take place with regard to the aircraft that is available. They are going to continue to assist in conjunction with their training exercise, not all the time in a dedicated role.

Mr. WALKER. That's right. That's fair to say, sure.

Mr. ENGLISH. But that will give us a great deal of flexibility, with this type of a system, and I would think it would also give Customs a great deal more flexibility than it would otherwise have.

Mr. Secretary, I believe there are some new procedures as far as the FAA is concerned, down in the area, that are being implemented. Could you describe to us those new procedures?

Mr. WALKER. The FAA traditionally did not require, as it was my understanding, did not require flight plans to be filed for noncommercial aircraft below a certain speed, and that simply was done because of the multitude of flights that come in and out of south Florida from the Bahamas. As a result of the task force, one of the initiatives that was undertaken was to require these flight plans to be filed by the FAA, for all aircraft coming in. This would give us more information as to planes coming in and to the extent that there wasn't a flight plan filed as to a particular plane we were able to detect that plane and we knew we had, we would have a plane that would bear further investigation.

The other thing we did was that we designated, I believe, eight airports in Florida as Customs airports which did not require preclearance or precontact with Customs before you could come in and land. Prior to that, there was a greater number of airports that you could land at, I believe 16 or so.

By limiting those airports to eight, we were then able to intensify our Customs resources and also it would enable us to focus on planes that were going into other airports, other than the ones that were eight designated airports. So those were a couple of the procedures that we put into place.

Mr. **English**. I have another map, Mr. Secretary, which I think shows that with regard to the new ADIZ levels here, a plane coming in this way would then have to report as it approached the ADIZ, and if it should cross that line without reporting in, then it would be in violation and would obviously be a prime suspect.

Again, the Seek Skyhook would enable this coverage to be there so that a person would not be able to slip under the radar, the NORAD radar, and therefore avoid reporting with that procedure. After they have broken that line, and if they have committed that violation, they would then obviously become prime targets, and with the look-down radar they could be not only detected but followed anywhere they wanted to go in Florida.

Mr. **Walker**. Yes. I think that the FAA procedures that you have referred to fit very nicely with the use of the Seek Skyhooks, both at Patrick and at Key West.

Mr. **English**. Mr. Secretary, do you feel that the Army helicopters on loan to U.S. Customs are suited to the interdiction role?

Mr. **Walker**. They are certainly useful. We have, as you know, Cobras. They are two-man helicopters. They are high-speed helicopters. They serve well in a chase capacity. And so they are suited for the interdiction role. They—because they are two-man helicopters, a pilot and one other—they don't allow us to bring as large a number of forces to bear on a particular arrest situation as would otherwise occur in a different kind of interdiction or arrest situation.

But I will say that with the Cobra helicopters that we have used, every time we have used a Cobra helicopter we have been able to catch the pilot of the smuggler aircraft. We've had 100-percent pilot capture, and before we used the Cobras, we were just using the fixed-wing aircraft, or other Customs helicopters, but without the speed and capabilities of the Cobra. We were only able to catch the pilots 40 percent of the time.

Mr. **English**. In your request in your letter, you requested some Blackhawk helicopters, I believe, as well. That would be for the purpose of being able to maintain the same speed that you have with the Cobra, but bring more men to bear where the situation called for it, is that correct?

Mr. **Walker**. Yes. We did raise the issue of the Blackhawks. We asked to be able to test them to see whether they would be suitable for our purposes and my understanding—and I am no expert when it comes to Blackhawk helicopters or helicopters in general for that matter—my understanding is that the Blackhawk has near the speed of the Cobra but does not—and has the added advantage of being able to carry more passengers. That would be useful to us.

Mr. **English**. Also it was just pointed out to me by my counsel, one other point we might want to make for the record, the Blackhawk also has a greater range.

Mr. **Walker**. That's right. That's what I understand.

Mr. **English**. So there is that additional benefit as well.

What limitations do you see for the Cobra and the mission at least in the way that Customs uses it?

Mr. **Walker**. Well, one was just mentioned, the range. It can't stay airborne quite as long as the Blackhawk and a lot of these air pursuits do take a long time, but that is a function of the fuel capacity of the smuggler aircraft. Now, if they are coming in in Convair 880's, that's going to take, it may take more than Blackhawks even to chase them. A Convair 880 is a fairly fast plane and it flies a long distance. But talking about the planes that we have been dealing with in the past, it would obviously be handy and helpful to have a longer range, longer airborne time than the Cobra, but that's not the main consideration. The main consideration that struck me in asking the Defense Department, and this is largely at your suggestion Mr. Chairman, and your staff, was the fact that we could get perhaps more people to bring to bear on an arrest situation. That would improve the chances of the successful arrest and also frankly provide for greater safety of the law enforcement officers at the time of the arrest.

Mr. ENGLISH. It would be more likely to discourage any type of exchange of gunfire or anything like that?

Mr. WALKER. If two men are flying in in a smuggler aircraft and there are two in the Cobra, the odds are roughly even. We would like to have better odds than that.

Mr. ENGLISH. I think that's a good point.

Isn't it also true that one of the major advantages of the Blackhawk over the Cobra is that it would reduce your air support branch aircraft requirement by one-third?

Mr. WALKER. Well, I don't—I think that it would reduce the requirement to some degree. You mean in terms of resources?

Mr. ENGLISH. In the number of aircraft that would be required in making an arrest.

Mr. WALKER. It might. I'd have to—I think I would like to defer on that particular question to George Corcoran or Bob Grimes. Do you have any feel for that?

Mr. ENGLISH. Mr. Corcoran?

Mr. CORCORAN. I couldn't say that it would be a third, but I think you are probably right in that we would be able to substantially reduce it because it would take the place of our basic bust plan as we call it, and we use the Hueys, which are kind of slow, to follow in, using a single-engine aircraft, or some of the smaller two-engine aircraft. There is an array of two or three different types of aircraft that would be supplanted by a plane like the Nighthawk. Even when we have Cobra in, we usually try to follow them with another plane with four or five people in it to beef up our arrest crew. So we would not need two or three aircraft going in on a bust as we currently do and it certainly would greatly reduce our follow-up aircraft in a bust situation. What the exact number is, I really couldn't say.

Mr. ENGLISH. Well, when you get into an identification effort, do you use three airplanes?

Mr. CORCORAN. Generally, yes.

Mr. ENGLISH. Wouldn't this reduce the need for one of those aircraft?

Mr. CORCORAN. Yes, yes.

Mr. ENGLISH. So wouldn't that be reducing it about a third?

Mr. CORCORAN. In general, yes. That is not always the situation.

Mr. ENGLISH. I realize that not in each and every instance are you going to have exactly three aircraft, but most of the time this is going to be reducing it about a third as far as the number of aircraft?

Mr. CORCORAN. That's right.

Mr. ENGLISH. OK.

This question was handed to me by counsel, Mr. Walker. They'd like to have you respond to it, if you would. It is the understanding that as part of the task force that was delegated down to the Florida area. It was determined that some 43 ATF agents would be sent to south Florida to help with the machinegun violence that is taking place down there.

Mr. WALKER. Forty-five, I believe it is, that would be used.

Mr. ENGLISH. Can you give us a report on the status of those people being sent down there?

Mr. WALKER. Yes. That deployment of forces down there is tied up with the budget supplemental that is presently before Congress. There is approximately $1.5 million in the supplemental which has been passed by the House and by the Senate committee and I believe it is slated for the—the overall supplemental—is slated for floor action this week, and possible resolution of various differences in conference next week.

In addition to that, there is an amount of $22.3 million for ATF's budget as a whole, related to ATF generally, some of which would be used to pay salaries. These budget uncertainties have led us to the conclusion that it would be unwise at the present time to put the ATF people in there until these budget difficulties are resolved.

We would hope for a resolution of all of these budget questions by the end of next week, in which case we could go forward.

The peregrinations and machinations of the budget process when it comes to supplementals, you know only too well don't always lend themselves to easy and quick solutions, to the extent that the supplemental contains budget items in unrelated areas and political considerations can come into play that would otherwise have no part in the decisions.

So at the present time, I can't really give a total assurance as to exactly when the ATF people will be sent down to Florida. It is definitely our commitment and our intent to beef up the ATF forces in south Florida.

Mr. ENGLISH. Mr. Secretary, I think that this might be a good point to kind of sum up where we are today. All the evidence, including certainly what you have told us today, indicates that we have a very successful program underway in south Florida, especially with the use of look-down radars, whether it is through E2-C's, AWACS, whatever. We have now in place one Seek Skyhook, off the Keys, that is providing coverage in much of the area most of the time. And we also then have observation on a periodic basis with E2-C's and with AWACS continuing.

We are looking forward tomorrow to hearing testimony from the Department of Defense as to their reaction to your request for the second balloon at Patrick Air Force Base. We feel that the time that would be required to put that second balloon in place, and even given all the difficulties and hurdles that have to be cleared with Government financing, would be less than 12 months. So we are talking about the fairly near future.

We have in place now coverage that will continue until that second balloon is there. So between what has been put together and, I think, patched together, that patch will hold until we get that second balloon in place.

Once we get the balloon at Patrick, we will have virtually the entire Florida Peninsula covered with the same type of look-down capability that we have any time we have an AWACS or an E2-C in the area. I think we have also not mentioned, and I don't want to go into detail for obvious reasons, there are numerous other radars throughout that area that for much shorter range have the same type of capability, and they are all tied into NORAD.

So I think that for anyone who is simply looking at that map and saying that those are the only two radars as far as the gauntlet that I have to run, that's all I have to worry about, he is going to be sadly mistaken and in for a surprise.

Mr. WALKER. I think they would be in for a surprise.

Mr. ENGLISH. Yes. I think so. So I think that the people of south Florida, assuming the Department of Defense comes across tomorrow and agrees with our scenario here, should feel that we are moving well ahead to a permanent solution to their problem down there, and we can hopefully, once we get that second balloon in place, start turning our attention elsewhere. As the smugglers try to turn to larger aircraft, as the Convair 880 that you mentioned, we will deal with that, but I think that will be a much easier situation to deal with than what we have in south Florida.

Mr. WALKER. Mr. Chairman, I certainly appreciate the attention that you have shown to this problem and the hard work that you have put into it and the members of your staff—Ted Mehl and Bill Lawrence in particular, who have worked closely with the administration on this—and we are, to say the least, indebted and grateful to you for your efforts.

I want to point out also that not only are we doing this for the community, for the south Florida community, but we feel that this is an important program for the Nation as a whole. As you pointed our earlier, and as was pointed out by Congressman Fascell, we are dealing with a national problem. The drugs here are destined for Chicago, New York, Los Angeles, other parts of the country.

Mr. ENGLISH. Oklahoma City.

Mr. WALKER. Oklahoma City, indeed. And so this is an effort worth doing for the entire country as well as for the community of south Florida. What we hope to do in this kind of an air interdiction program is not just to—you know, we can't really stop the smugglers just outright. We can't offer a panacea. But what we can do, hopefully, is increase the cost and the risks and the difficulties to such an extent that it just simply isn't going to make sense for them. They are operating a business and like any business sometimes the risks and the costs outweigh the benefits, and that's what—it's at that point that we will really be achieving the kind of success that we are striving for. We think we've got it in a smaller scale. We've done it in the last couple of months. A permanent kind of deterrence and radar capability such as we have discussed today could lead to that on a larger scale for the country as a whole and that is I think the general thrust of where we are going here.

Mr. **English**. Thank you very much, Mr. Secretary. I certainly agree with what you are saying. I think that we have proven that it can be done in the Florida area and it is simply now a question of piecing together the permanent parts to make sure it stays done.

Thank you very much, Mr. Secretary, I appreciate it.

Mr. **Walker**. Thank you.

Mr. **English**. Our next witness is Mr. Charles Rinkevich, who is the coordinator of the South Florida Task Force on Crime.

Mr. Rinkevich, we want to welcome you here today.

STATEMENT OF CHARLES F. RINKEVICH, COORDINATOR, SOUTH FLORIDA TASK FORCE ON CRIME

Mr. **Rinkevich**. Mr. Chairman, as the on-scene coordinator for the Vice President's south Florida task force, I am pleased to be able to report to you today on key aspects of the Federal initiatives to assist State and local authorities to deal with crime in south Florida.

As you know, over the past 2 years, the State of Florida, most especially the south Florida area, has been beset with a series of circumstances, the combined impact of which, in a single area, is unique in American history.

Because of the thousands of miles of coastline, hundreds of operational airports and abandoned airstrips, and its geographic proximity to source countries in South and Central America, south Florida has become the avenue for an estimated 80 to 90 percent of all marihuana and cocaine and a significant percentage of Quaaludes illegally entering the United States.

As has been indicated before here this afternoon, these drugs are not intended for local consumption alone. They enter Florida for transshipment throughout America.

Interrelated with the smuggling of drugs is the smuggling of illegal aliens into this country. The intense competition between smugglers and rising crime in general has created a particularly sinister aspect to south Florida's crime problem—the proliferation of illegal automatic weapons. These machineguns appear to be the weapon of choice for gang warfare and drug-related assassinations. The procurement of illegal firearms for use by the criminal element and the exportation of firearms to foreign countries for revolutionary and other organizations has become a lucrative business.

Principally as a result of the smuggling of drugs, there has been an influx of staggering amounts of criminally obtained U.S. currency into south Florida which has resulted in Miami becoming a major center for the "laundering" of billions of dollars through its extensive legitimate domestic and international banking community.

In short, massive immigration, epidemic drug smuggling, laundering of illegal "mega-bucks," and use of illegal automatic weapons has created a crime crisis in south Florida that seriously threatens the safety and quality of life of all of its citizens—rights guaranteed to them by the Constitution.

On January 28 of this year, President Reagan noted that in regard to the south Florida situation the Federal Government had a special responsibility to fill in temporarily and do what it could to reduce these problems. He established a Federal task force comprised of the very highest officials in his administration and chaired by the Vice President. This task force includes the Secretaries of State, Defense, Transportation, Treasury, and Health and Human Services, the Attorney General, and Presidential Counselor Edwin Meese. The task force is not intended to supersede the responsibilities of State and local law enforcement, but rather to assist and coordinate Federal efforts with State and local authorities in order that together we can restore civility, safety, and calm to south Florida.

The major initial objectives of the task force are to significantly reduce the influx of illegal drugs coming into the United States through Florida by greatly increasing air, sea, and land interdiction efforts; to arrest and convict smugglers apprehended during these activities. A concentrated effort is also being made to reduce the availability of illegal automatic weapons through intensified enforcement of Federal machinegun laws. You heard Secretary Walker speak to the status of that initiative.

Further, insofar as there is a nexus between illegal aliens and violent crime, we are concentrating some of our efforts on locating and removing these illegals from the streets of south Florida. Incidentally, we know that people in the business of smuggling drugs are also in the business of smuggling weapons or aliens and our efforts to interdict one impact on the other two.

We also clearly recognize that the level of criminal activity in south Florida has almost overwhelmed the ability of the State, local, and Federal criminal justice systems to deal with it. Thus, in order to realistically address our major mission, the task force is addressing a whole subset of systemic problems. At the beginning of our effort in south Florida, these included insufficient manpower in all Federal law enforcement agencies, that is, the Drug Enforcement Administration, the Federal Bureau of Investigation, U.S. Customs, Immigration and Naturalization Service, the Bureau of Alcohol, Tobacco and Firearms, the U.S. Marshals Service, and the Internal Revenue Service.

There were an inadequate number of Federal prosecutors. There were insufficient Federal judges, courtrooms, and support personnel, as well as insufficienf jail space—county, State and Federal. There was insufficient off-shore antismuggling surveillance, both air and sea.

Parenthetically, I should point out, Mr. Chairman, that at the time that the task force was created and began its operations in south Florida and in some cases just immediately prior to that time, additional Federal resources on a permanent basis were allocated to a number of Federal law enforcement agencies including some 43 agents that were permanently reassigned to the FBI office in Miami, some 20 additional slots in the Drug Enforcement Administration for permanent investigative personnel that are committed to DEA, additional Customs patrol officers as part of the Customs Service, some 65 in number, and the Border Patrol most recently, an additional commitment of 27 new Border Patrol officers.

On March 5, 1982, I was appointed as the "on-scene" coordinator for the Vice President's south Florida task force. I have been on site in Miami since March 9. On March 16, 1982, Vice President Bush reported on the Federal task force effort with a speech in Miami that outlined the progress which had been made by the Federal Government including the Department of Defense utilizing the recently modified posse comitatus authority.

It is important to note that the Department of Defense and Federal law enforcement agencies participating in the task force operate in every respect through their normal chains of command. My role is not to serve as the operational commander of this effort. I serve to assure cooperation and coordination among the various Federal agencies involved and State and local criminal justice agencies. In this regard, I am available to assist in the resolution of any problems or concerns that cross agency lines.

I am also responsible to the Vice President's task force for the monitoring of all Federal activities in this effort to insure that they are consistent with the task force objectives. Finally, I am looking for additional ways, within limited Federal resources, that we can appropriately help south Florida deal with its serious crime problem.

While all of our committed forces are not yet on station, nor all of our planned activities yet fully implemented our progress to date has been substantial.

A major component of the Vice President's task force is the joint DEA/U.S. Customs task group which greatly enhances our capabilities to interdict drug smuggling. These are agents in addition to the regular DEA and Customs personnel assigned to south Florida. Divided into 17 enforcement groups, these mixed DEA/Customs units are spread throughout Florida from Key West to Jacksonville. Their primary mission is to serve as apprehension teams in the intensified air and sea drug interdiction efforts. They are also conducting short-term followup investigations. The joint task group will have an additional significant benefit in that it will free up DEA's Miami District Office personnel to concentrate upon long-term drug interdictions, a capability heretofore severely limited by existing resources.

I am told by DEA officials in Miami that that capability has increased, or that fact has increased their capability for these long term investigations by a factor of about 25 percent, resources that were, prior to this time, committed to the responsive mode of interdiction.

We continue to work with the Coast Guard in its efforts to increase the interdiction rate of smugglers operating in the waters off south Florida.

We are also working closely with the Immigration and Naturalization Service on the illegal alien problem. And the FBI, with additional resources recently authorized for its Miami office, is becoming more heavily involved in long-term drug investigations.

The FAA has been very helpful in our efforts by requiring flight plans for all private aircraft entering U.S. airspace over Florida. The new regulations issued by the Customs Service now require private aircraft to contact the FAA 15 minutes before entering U.S. airspace and to land at predetermined airports in Florida in order to clear Customs.

As Secretary Walker has indicated, most of these changes, or both of these changes have increased our capability to sort out the "bad guys" from the legitimate private aircraft arriving from the Caribbean and thus we are able to more precisely target our limited resources.

Working with and through the Attorney General, the new U.S. attorney in the southern district of Florida, Stanley Marcus, and the Federal judiciary, we are confident that additional assistant U.S. attorneys, courtrooms, and support personnel will be available to handle new criminal cases resulting from our efforts as well as to handle the case backlog which presently exists. At the Vice President's request, the Chief Justice has arranged for four additional Federal judges to sit temporarily in south Florida for several months, beginning on June 1.

We are working with the U.S. Marshals Service and the U.S. Bureau of Prisons not only to increase our capability to handle larger numbers of Federal prisoners, but also to relieve some of the State and local prison overcrowding.

Significantly, and of particular interest to this committee, we have obtained some resources from the Department of Defense, to aid Federal law enforcement agencies in their efforts in south Florida. This is possible, as you know, because of the recent changes in the posse comitatus authority.

As announced by the Vice President, AWACS-type aircraft are being flown by military personnel in support of our efforts. Those aircraft continue to operate and are critical to our air interdiction efforts by providing the much needed radar coverage that has been discussed here this afternoon.

Three additional Cobra helicopters on loan from the Army, flown by Customs pilots, are an integral part of our air interdiction strategy as well. These fast helios provide increased assurance that Customs agents will get to the scene of a smuggling plane's offloading operation in time to apprehend the smugglers.

Finally, I believe the Vice President's south Florida task force has made an impressive beginning. While we have provided critically needed resources and heightened coordination to Federal anticrime efforts in south Florida, we have much more to do before our impact is fully felt. We are confident that with the continued cooperation of the Congress and the judiciary we can make even more progress.

And I particularly, Mr. Chairman, add my compliments to you and to this committee for the work that you are doing and the assistance that you have been to our efforts in south Florida, and I am sure I express the views of the Vice President and his staff.

That concludes my statement and I would be pleased to answer any questions you may have.

Mr. ENGLISH. Thank you very much, Mr. Rinkevich.

I have been a member of the Select Committee on Narcotics Abuse and Control since it was formed back in 1976, and I know one of the areas of constant difficulty in this fight against the drug problem has dealt with the disputes that seem to constantly arise between State, local, and Federal agencies, as well as between the agencies of the Federal Government. It is something that has constantly plagued us. We have found that many times there is little in the way of cooperation that takes place. Fierce jealousies exist that go back, in many cases, for years. It is a real problem for us.

What is your authority to resolve any disputes that you come across such as this?

Mr. RINKEVICH. When I undertook this assignment, Mr. Chairman, I was told by the Vice President that I had no more or less authority than he has to resolve these issues. He is the chairman of the task force, at the request of the President, and I work through his chief of staff directly for him.

I would—while the occasion has not arisen to exert that kind of authority that I think you are alluding to—I would have, in my judgment, the authority to call on the Vice President to identify a problem and ask for a resolution on the level that he operates on.

Mr. ENGLISH. Who is ultimately responsible for the south Florida task force?

Mr. RINKEVICH. Well, the task force, as you know, was created by the President with the Vice President as its chairman. I think that that level of commitment reflects that it is an administration task force.

Mr. ENGLISH. Well, as far as the ultimate responsibility, then, would it be fair to say the President has the ultimate responsibility?

Mr. RINKEVICH. Inasmuch as he has appointed the task force and its chairman, I would make that judgment.

Mr. ENGLISH. In your statement, you mention that the task force is temporary in nature. There has been wide agreement certainly expressed here today that the problem that we are dealing with is one that has existed for years. Unless we are successful in coming up with a permanent solution it is one that is likely to continue to exist unresolved for years. Is it the mission of the task force to establish a permament mechanism for the interdiction of drugs in Florida?

Mr. RINKEVICH. You are quite correct in the point that it is a temporary effort and we have approached our responsibilities in south Florida with that clearly in mind. There are a number of activities that have evolved under the umbrella of the task force that in my judgment will leave a very positive legacy of the group when the end of the temporary assignment comes.

Legacies, like the linkages that have been established with the military and civilian law enforcement agencies to take advantage of increased flexibility under posse comitatus, a legacy like the additional permanent resources which I mentioned before which have already been committed by this administration to Federal law enforcement agencies in south Florida, legacies like—this is a bit more intangible—but one of the effects that I think the task force is having in south Florida is that it is giving the Federal troops that have been in the trenches down there for some time and battling overwhelming odds an opportunity for breathing time and breathing space. It has given them an opportunity to pursue some long-term drug conspiratorial-type investigations that I think will bear fruit, perhaps after the task force has served its purpose, but will have a long-term impact on disrupting drug organizations.

So to the extent that those kinds of legacies are left, I think that we will have made some permanent improvements in south Florida.

Mr. **English.** What role do you have in seeking this permanent solution and helping to bring it about?

Mr. **Rinkevich.** Well, as I have indicated, the nature of our assignment is temporary in regard to duration, but as we move along, as we move through the items that I have ticked off, we have in mind the need for a permanent kind of solution, the need for permanent resources that should then be committed and have been committed in south Florida. So it is not as if it were a distinct, separate part of my responsibility, but rather it is a part of the mission that we have in mind in everything that we do, and that is to not undertake the task force effort with the sole objective of a short-term operation, but rather to keep in mind targets of opportunity where legacies can be left. We have had that in mind and have articulated that as the task force first began its operations. As I indicated, the establishment of linkages between the military and civilian law enforcement, which I know you are very much interested in, in south Florida, I believe, charts new waters. If we do it effectively, that kind of linkage will remain to be taken advantage of, not only by south Florida law enforcement agencies, but also others around the country.

Mr. **English.** When we have disputes that arise between one of the Federal civilian law enforcement agencies and the Department of Defense, working together as provided under posse comitatus, do you have the responsibility to resolve those disputes?

Mr. **Rinkevich.** I would have the responsibility, Mr. Chairman, to identify that such a dispute occurs, and whether it occurs at the level on which I am dealing, keeping in mind that my role is as the task force onscene coordinator in south Florida and that the nature of my assignment is that I am not working at the Washington level. But to the extent that I would identify a conflict, should one arise, and one has not arisen to my knowledge, between civilian or military, I would do what I could do in resolution of any conflicts that might arise between civilian law enforcement agencies and that is to attempt to resolve them at my level and then surface that to the Vice President's level and ask for his intercession and judgment as to the resolution of it.

Mr. **English.** I guess the other part of that question, whether you are talking about civilian, or whether you are talking about civilian and military, do you have the authority to resolve it at your level?

Mr. **Rinkevich.** I am not vested with any operational chain of command type of authority in the south Florida operation. My role is to serve as the representative of the task force, to monitor the progress of the task force, and the various agencies that are participating in it, to insure that that progress is consistent with the task force goals and objectives. Where a breakdown in communications occurs, where liaison is helpful, I am to serve in that capacity as facilitator of communications and to identify other opportunities, being on-site in Miami, that could be, as I have indicated before, targets of opportunity.

I do not—and I must underscore that—I do not exercise traditional chain of command authority over any of the operational entities there.

Frankly, cooperation hasn't been a problem. The cooperation within law enforcement, at the Federal level as well as between Federal law enforcement and State and local law enforcement, I think is superb. The cooperation that has been extended to me in my role has been superb, and while I hesitate to be so optimistic that I could be proven wrong this afternoon, we haven't had the kind of problem that you are talking about arise so that I would have the need to exercise any recourse to the Vice President or anywhere else.

Mr. **English**. I suppose I am a bit puzzled how you are going to resolve a problem if you don't have the authority to do so.

Mr. **Rinkevich**. I am not sure that my role is to resolve problems in a direct order kind of circumstance, Mr. Chairman. Keep in mind that the objectives that we are trying to obtain in south Florida are objectives that are shared by every Federal, State, and local law enforcement entity and criminal justice entity. We have not charted activities that are by their nature controversial within law enforcement. They are activities that all law enforcement agencies and criminal justice agencies want to attain.

The objectives that have been set are fully shared by Federal, State, and local law enforcement, and those folks are moving out in a very aggressive fashion to accomplish those.

Mr. **English**. Mr. Rinkevich, I guess maybe I am not understanding you right, but from what it sounds like to me, what you are telling me is that if you—I'll give you an example. Let's assume that DEA comes up with some intelligence information that a certain ship has left Colombia with a load of marihuana and DEA knows what the destination of that ship is, at least they think they do, and that ship is coming our way. But rather than turning that information over to the Coast Guard as well, so that they might be able to take some action, they instead say, "We'll hold it for ourselves so we can make the arrest and make our record look better."

If you should discover that that sort of situation has taken place, other than filling out a report to the Vice President, what can you do about it? Can you get those people together and say, "Now look, folks, I'm down here representing the Vice President and the Vice President was charged by the President and my authority is coming straight from the President of the United States. Either shape up or you're going to ship out." Do you have that kind of authority?

Mr. **Rinkevich**. I would judge that under the hypothetical circumstances you outlined that I would have exactly that authority. You outline the facilitator's role, to sit down and talk and try to share the information. That is what I perceive as our principal responsibility.

I would point out, however, that the way in which the task group, that is, the joint DEA-Customs entity that is the principal land force in the drug interdiction effort, has been structured, a high level of cooperation exists between DEA and the Customs people assigned to that task group. Keep in mind that the Director of it is a senior DEA official, and the Deputy Director is a senior

Customs official. The liaison that exists within and to that group from the U.S. Coast Guard, from the Immigration and Naturalization Service, and from virtually every other Federal law enforcement agency precludes the kind of circumstance that you are charting.

Now, I would not dispute that those kinds of interagency rivalries have occurred in the past, but I can tell you that, in the time that I have been in south Florida, all of us have been very, very pleasantly surprised that that sort of rivalry has not arisen, that there is a sense of working together toward a common objective and a commaraderie, between the folks and among the folks in that task group. Information is shared. The El Paso Intelligence Center, which is an integral part of Federal law enforcement, is directly tied into the task group, and indeed, shortly after my arrival in south Florida, the Director of the task group and the Regional Commissioner of the Customs Service and I jointly made a visit to EPIC in El Paso and received thorough briefings on their capability and their interface with the task group and their potential for further interface and further assistance in the effort.

Stemming from that meeting, we arranged for the director of EPIC to personally brief senior officials in Miami on the current state of EPIC and the current capabilities to further improve the exchange of intelligence that is critical and in some cases has been a problem in the past. That effort was, in my judgment, very effective in facilitating the exchange of intelligence information.

Mr. **English**. I am pleased to hear that, Mr. Rinkevich. That's probably going to be the next area that this subcommittee will be looking at; cooperation between local and Federal and within Federal agencies. It is something that I think is very important and if you have been able to develop that down in the Florida area, why, I think that that will be a very big plus indeed because that has long plagued the system, in my opinion, and it has reduced the effectiveness of the system.

In your view, this solution that we are talking about, with a permanent-type look-down capability such as the two facilities that we talked about with Mr. Walker, one at Patrick as well as one at Cudjoe, would you be envisioning that as one of the legacies that you were talking about that your task force would be leaving to south Florida?

Mr. **Rinkevich**. I think that clearly your, and the committee's, interest in that is very significant and very important. But I think that the fact that the attention of this committee, of the administration through the task force effort, and indeed the whole country, is focused on the kinds of problems we are talking about here, will result in the kind of legacy that I think that the task force or the effort—I shouldn't restrict it just to the task force—but the effort will leave for us. I would expect that if we are successful and that if Skyhook is placed at Patrick, I would be pleased to share some sense of responsibility on behalf of the task force as identifying that and working with you and the Defense Department and seeing that it comes about.

Mr. **English**. Is there any doubt in your mind that it is going to be placed at Patrick?

Mr. **Rinkevich**. No.

Mr. **English**. So the answer to my question is "Yes"?

Mr. **Rinkevich**. Yes.

Mr. **English**. Mr. Rinkevich, do you feel that the E2-C's are a permanent answer for low-level radar coverage in Florida?

Mr. **Rinkevich**. I do not look on the E2-C as a permanent answer, as a total answer. I think that the capability of that kind of aircraft, whether it is E2-C or other aircraft of similar sort, coupled with the other kinds of radar capability that we have talked about here this afternoon, is needed and is a long-term answer.

By the way, Mr. Chairman, I'd like to clarify something if I may. I am told that in an answer to a question just before the break I may have given a higher degree of certainty on an answer regarding the second Skyhook than I intended to. That is I was reacting to the dialog that occurred between yourself and Secretary Walker talking about the second Skyhook and its desirability and its need and its cost-effectiveness. I do not presume to speak on behalf of the Secretary of Defense or any other representative of the Defense Department and say that it is coming with certainty. That has been an issue that has been negotiated at the Washington level and I have not been involved in those negotiations. I was reflecting what I thought was a desired kind of capability I think we all agree to, for that second Skyhook to be in place.

Mr. **English**. You don't have any knowledge that it is not coming, do you?

Mr. **Rinkevich**. I don't have any knowledge that it is not coming, but I also don't have any knowledge that it is certainly coming, and that's what I wanted to clarify.

Mr. **English**. Is the reimbursement, as far as posse comitatus assistance to the task force, is that in any way going to be billed to the task force, or is it your understanding that DOD will pick up that tab?

Mr. **Rinkevich**. I have no understanding on the question, Mr. Chairman of the issue of cost, or the issue of reimbursement. By virtue of the responsibility that I have in south Florida, that issue has not been one that I have been directly involved in.

Mr. **English**. Are you satisfied with the AH1-G Cobra for the Customs missions?

Mr. **Rinkevich**. I think that the degree of success that that aircraft has had causes me to be satisfied with it. I would share with you and with others that testified here today that, if there is a more effective or more capable aircraft available to us we certainly would support that to the extent that we cannot have that kind of capability, I think that the Cobra is an adequate capability for us to live with.

Mr. **English**. You also state in your testimony that there is "insufficient offshore antismuggling surveillance." What steps are you taking to resolve this problem?

Mr. **Rinkevich**. Well, the whole question of the additional radar surveillance that we have talked about here today is part—the whole issue—is part of that resolution. We talked about the Skyhook, the mini-AWACS, those are part of that solution. The additional capability that Customs has been working on to develop its own, and intensify its own use of the radar facilities is another part of that.

Mr. English. But at sea we have some additional difficulties in the way of communications, don't we?

Mr. Rinkevich. I'm sorry?

Mr. English. We have some difficulties in the areas of communications as far as activities at sea?

Mr. Rinkevich. I'm not aware of any, no.

Mr. English. You're not aware of any problems we are having. Regarding the point that I was referring to cooperation and coordination, there was recently an exercise in the gulf area—a joint exercise between the Coast Guard and DEA—and DEA was, I think, doing the flying during that particular exercise. They were not even tuning their radios in to the Coast Guard frequencies. It is my understanding that a complaint has been lodged because of that, which is one of the concerns that I pointed out earlier, that cooperation issue. We will provide you with a copy of that.

Mr. Rinkevich. I can tell you that the degree to which the operational people within the task group, the DEA and Customs folks have needed resources from other Federal agencies and the degree to which they come to us and asked for assistance in getting those resources has been, I think, moderate. I point that out because I don't think they are bashful in coming to me or my staff with an issue of lack of coordination or communication. I am totally unaware of the particular complaint that you make reference to. I'd be pleased, if it is germane to what is going on now, to have access to the information so that we can address that.

I would also point out, in my comments about coordination and cooperation and the degree to which it has been attained in south Florida, I do not mean to imply that we are not going to have miscommunication or we are not going to have some individual examples of lack of coordination. Obviously, whenever human beings are working toward a common end we are going to have that sort of thing happening and things are going to start to go sideways to some degree.

I can tell you with a fair degree of certainty that the level of coordination and cooperation between the operational folks since I have been onsite in south Florida has been superb. If there are examples of where that is not occurring, I am not aware of it, and I would be pleased to follow through on it.

Mr. English. We'll provide you with a copy of the complaint.

What has been the result of the ship reporting procedure in terms of the benefits of sea surveillance?

Mr. Rinkevich. I think that has been a particularly successful undertaking, Mr. Chairman. As a matter of fact, I happen to have some recent statistics on that. During the month of March of this year, the ship sightings that were reported—all naval vessels—was seven. That's March 1982. During April 1982, the total reported by U.S.N. ships and aircraft increased to 50. And as of May 12 the total reported by U.S.N. ships and aircraft was 37. If that rate continues, we are obviously going to surpass what happened in April.

There has been a marked increase in the last several months of naval vessels and aircraft reporting not only profile vessels to the Coast Guard but other kinds of vessels for tracking purposes.

Mr. **English**. The Vice President stated that "Navy warships" would be used to interdict suspected drug traffickers in the Windward Passage. Is that now happening?

Mr. **Rinkevich**. No, it is not.

Mr. **English**. Can you tell us why not?

Mr. **Rinkevich**. The negotiations between the Navy and the Coast Guard to effect that operation are about at the culmination point. I am optimistic that an answer to that question 1 or 2 weeks from now would be "yes," but at this time it is "no."

That is one of the issues that has been followed very closely by the task force because of what we think could be a significant deterrent effect, by having the various naval ships at sea having that kind of a capability and that kind of image in the eyes of the dope smugglers. We are pursuing it with some vigor. It's a question of working out the details and working out the logistics of having that happen, and as I said, I am quite optimistic that we will be able to report a "yes" answer to that question to you in the next few weeks.

Mr. **English**. Will that same effort take place as far as the Yucatan Passage is concerned?

Mr. **Rinkevich**. The negotiations are not restricted to any particular passage. I am not aware that any commitments have been made only to restrict it to the Yucatan. It is my understanding that that capability will exist throughout the Caribbean.

Mr. **English**. Has the Coast Guard been able to increase its ship days in the choke point passages?

Mr. **Rinkevich**. They have redeployed cutters and are in the process of redeploying personnel. I would not presume to speak in detail for the Coast Guard. As I understand, they are going to be testifying tomorrow. But they have increased the cutter years in the Caribbean from 3 to a present 4 cutter years as a result of their recent deployment of cutters and other activities, for example—not decommissioning certain cutters that were scheduled for decommissioning.

Mr. **English**. You mean delaying the decommissioning of certain cutters?

Mr. **Rinkevich**. That's correct.

Mr. **English**. And can you tell us whether EPIC has materially assisted in your efforts and in what way?

Mr. **Rinkevich**. I think EPIC has been a significant assist. Obviously, the numbers of Federal agencies involved in this effort, means that there has to be, in order to avoid the kind of coordination and cooperation problems that we were talking about earlier, there has to be a means of communication of intelligence data that is quick, that is reliable, and has the capacity to exchange a large amount of intelligence information, and is accessible to a variety of points, not only in south Florida but elsewhere where people are interdicting our borders.

EPIC has all of those capabilities even though it is located in El Paso. I, after having the update that I mentioned to you, that we arranged for early upon my assignment, am personally quite impressed with the capability of that operation. I was impressed with the dedication and the qualifications of the staff that I met there and talked with. The way in which they provide intelligence exchange between the various agencies that are involved in the south Florida effort I think is a very, very superb adjunct to what's going on in south Florida. It is quite clear to me that it is not just south Florida where EPIC is having an impact, but that it impacts exists, because of its capability in other parts of the country.

We have taken a special interest, recognizing that we were marrying for temporary purposes agencies like DEA and Customs that had been separate before, and that after the purposes of this task force have been completed will once again, be separate, and we wanted to assure that we had covered all the bases in terms of intelligence exchange. That's why we took the initiative in exploring EPIC and paying particular attention to making sure that the folks in south Florida knew the currency of EPIC, knew the capability that it had because that grows each year, each month, as they add to their data base and as additional agencies come on board. And we were able to do that and I think it has been a very useful adjunct to the effort in south Florida. I think that will be one of the legacies that we will leave.

Mr. ENGLISH. How can you leave a legacy that was already there?

Mr. RINKEVICH. Well, I think that the surfacing of the capability of EPIC, the attention that we have paid to it, the, once again, real life proof that it works, and that it is a meaningful contribution to an enforcement effort is the sort of thing that we have heightened through the task force operation. It has heightened the attention to it, I think, more than anything else.

Mr. ENGLISH. I have been to EPIC, Mr. Rinkevich, and that was 5, 6 years ago. I went through it. I am very familiar with that operation and what is stored in it. That's the reason I question being able to leave a legacy on that. If you want to leave a legacy, I can understand leaving something that wasn't there before, whether it is a Seek Skyhook at Patrick or whether it has to do with Blackhawk helicopters with Customs, but something that was already there, you know, I think you are stretching it a little bit on that.

Mr. RINKEVICH. Well, I don't mean to be taking credit for something that the task force shouldn't, but I think that EPIC has grown and its present capability is greater than it was when you visited it 5 or 6 years ago.

Mr. ENGLISH. Well, are you using EPIC in Florida in some way that it wasn't used before?

Mr. RINKEVICH. No, but the urgency under which the exchange of information must occur, the intensity of the effort down there, the fact that Customs and DEA folks are working together on the same teams, all of those argue for a closer and more coordinated and more vigorous exchange of information. And I think that that's what EPIC has provided.

We have looked to EPIC as a mechanism that will insure the proper exchange of intelligence information and by giving it that visibility that we have I think we have heightened its usefulness the minds of folks who knew it existed but for whatever reason had perhaps not kept current with its capabilities we have resurfaced it as a tool to use to understand, and to deal with it, and to the extent that I am accurate in that perception that would be the legacy that we would leave. I don't mean to imply that we discovered EPIC or first announced it in south Florida. Obviously, that is not the case.

Mr. **English**. What do you think about the Blackhawk helicopters?

Mr. **Rinkevich**. I think that any increased capability that this Government can provide to law enforcement of the sort that the Blackhawk would, as I understand it—I am not an expert on that kind of aircraft at all—but I think that any increased capability that can be provided in a cost-effective way would be welcome and would be useful.

Mr. **English**. Have you, in reporting back to the Vice President, have you urged the Vice President to support that request?

Mr. **Rinkevich**. I think that the conversations which you have had with him directly and with the other members of his staff, including Admiral Murphy, have adequately communicated that concern. I am aware, based on earlier conversations with you, of your interest in the Blackhawk and its capability and I share it with you and I think they do as well.

Mr. **English**. I guess—you are not answering my question. Have you come back to the Vice President saying, "We've looked at this thing, with regard to this Blackhawk helicopter, and we think that that is something that Customs should have. We urge that you support that request."

Mr. **Rinkevich**. I have supported the notion that the Blackhawk should be given the test that Congress has asked for and the extent to which it proves out as a result of that test would further urge its utilization.

Mr. **English**. What do you understand that test to be?

Mr. **Rinkevich**. I understand only what was in Secretary Walker's letter. That is, as I understand it, that he requested the Blackhawk for test purposes to see whether it would prove feasible and if so then to utilize it.

Mr. **English**. Mr. Rinkevich, you are down there on the ground. You are talking with the Customs people in the Miami area. You are the coordinator. What is it that you understand would be included in that test? It would have to be done down there, wouldn't it? It would have to be done in Miami?

Mr. **Rinkevich**. It would be done in Miami, but keep in mind that I am not the operational commander of the Customs air wing. Any test of any equipment of that sort would be their clear responsibility. My role would be, should that prove to be an effective tool, and should decisions be made to make it available, to serve in the same capacity as I am trying to serve with the Navy/Coast Guard negotiations and see that it moves along and it happens. But I would not presume to offer a judgment in lieu of the experts in the Customs air wing that would be involved in such a test that was the case in the Cobra test.

Mr. **English**. You and I both sat in on the same meeting with the Customs people in Miami. I didn't hear much in the way of doubt being expressed by those in the Customs air wing in Miami about whether or not they thought they could use, need, and desire Blackhawk, did you?

Mr. **Rinkevich**. I don't recall any doubt being expressed about the use and need, but I also don't recall their having had the experience with the Blackhawk that they had at that point with the Cobra. And I think I also recall that the gentlemen there were enthused about any increased capability, any aircraft with increased capability, as I would be as well.

Mr. **English**. I think they thought it was beyond the realm of possibility. I remember that remark, "We couldn't even request such a thing."

Mr. **Rinkevich**. I'm not sure I remember those exact words but that sense was clearly there. They thought that it was better to take one in the hand rather than two in the bush, so to speak.

Mr. **English**. It is then your understanding that such a test would be an operational test?

Mr. **Rinkevich**. That's my understanding. Once again, I would defer to whatever the plan was by the Customs air wing for that test to occur.

Mr. **English**. Mr. Rinkevich, I don't think I have any more questions. I think you have pretty well taken care of them. I surely want to thank you for coming to the hearing today. We appreciate it very much.

Mr. **Rinkevich**. I thank you. I want to express once again my appreciation for the interest and support that you and your staff have given us and I would like to continue that dialog as events unfold in south Florida.

Mr. **English**. Very good. Thank you.

Mr. **Rinkevich**. Thank you.

Mr. **English**. We are looking forward tomorrow to the testimony by the Department of Defense and we will find out whether all these wonderful things are going to happen and whether the Department of Defense is going to make it possible to solve the drug problem in south Florida.

We will adjourn until 9:30 a.m. tomorrow morning.

[Whereupon, at 4:29 p.m., the subcommittee adjourned, to reconvene at 9:30 a.m., Thursday, May 20, 1982.]

MILITARY ASSISTANCE TO CIVILIAN NARCOTICS LAW ENFORCEMENT

THURSDAY, MAY 20, 1982

House of Representatives,
Government Information
and Individual Rights Subcommittee
of the Committee on Government Operations,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:40 a.m., in room 2247, Rayburn House Office Building, Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representative Glenn English.

Also present: William G. Lawrence, counsel; Theodore J. Mehl, professional staff member; Euphon L. Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. English. The hearing will come to order.

This morning we convene the third day in our series of hearings on the subject of military assistance to the civilian law enforcement community. Yesterday, we heard the Assistant Secretary of the Treasury describe the cooperation he had enjoyed in his relationship with the Department of Defense to date. He then outlined several areas in which the U.S. Customs Service and other Federal law enforcement agencies needed further help.

Specifically, he requested an Air Force downward-looking radar called Seek Skyhook to be installed at Patrick Air Force Base to help shut down the major trafficking airways.

He requested that a Blackhawk helicopter be loaned to the Customs air support branch for operational testing. Customs presently operates some loaned Cobra helicopters, but the Cobra only puts one arresting officer on the scene, and thus endangers his life in the event of armed resistance. An additional benefit of the Blackhawk is that its operational range, of course, is far greater.

Our witness today is Mr. James Juliana, the Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics. Mr. Juliana, you have appeared before this subcommittee on this topic in the past, and we are very happy to welcome you back to the subcommittee.

STATEMENT OF JAMES JULIANA, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, MANPOWER, RESERVE AFFAIRS, AND LOGISTICS, DEPARTMENT OF DEFENSE, ACCOMPANIED BY MAJ. GEN. JOHN PIOTROWSKI, DEPUTY CHIEF OF STAFF, OPERATIONS, TACTICAL AIR COMMAND, U.S. AIR FORCE; BRIG. GEN. JAMES S. MOORE, JR., DIRECTOR OF OPERATIONS READINESS, DEPARTMENT OF THE ARMY; AND CAPT. THOMAS K. WHITTAKER, CHIEF OF NAVAL OPERATIONS STAFF, U.S. NAVY

Mr. JULIANA. Thank you, Mr. Chairman.

I am here this morning to discuss the efforts of the Defense Department in support of Operation Florida, the operational arm of Vice President Bush's Task Force on South Florida Crime.

Our active support of Operation Florida began on March 15, with the initiation of Navy aerial surveillance missions aimed at detecting small, low-flying aircraft and directing U.S. Customs Service aircraft to an interception. Navy aerial surveillance support continues to this day and is projected to be in place for an indefinite period in the future.

Navy has also made available high frequency radio equipment in support of DEA operations. In the high interest vessel sighting program, Coast Guard personnel routinely board Navy ships prior to their leaving port to brief Navy personnel on the characteristics of suspect vessels of interest to the Coast Guard.

Sightings of such vessels by Navy, in the course of routine Navy operations, are then reported to Coast Guard when they occur for Coast Guard to pursue further. Arrangements are now complete for Navy to lend assistance in the towing back to port of vessels actually seized by the Coast Guard and the transportation of prisoners to enable Coast Guard assets to remain longer on station.

In response to the Coast Guard's request, we have approved a program of support by certain Navy sensors that will enable Coast Guard assets to be used much more discriminately in the tracking of suspect vessels at sea. Navy is in the final stages of planning to embark Coast Guard personnel on Navy ships so that Coast Guard may be in the best position to board suspect vessels when they are sighted in the course of routine Navy operations.

The Army has made available a total of four AH-1G Cobra helicopters, to the Customs Service, to aid in the interception of suspect aircraft. By the end of this month, the last of the Customs Service pilots will have completed training on the Cobra at the Army's school at Fort Rucker, Ala. Army is also providing much of the maintenance support for the Cobras on loan to Customs and is about to loan two UH-1H helicopters, known as the Hueys, to DEA in further support of their requirements. That, I believe, Mr. Chairman, will be primarily off the coast of Florida in the Bahamas.

The Air Force has continued to make available the information of use to the civilian enforcement agencies obtained through our NORAD capabilities in the Southeast. This arrangement includes the stationing of one Coast Guard official, a chief petty officer, at the Seek Skyhook radar facility in Cudjoe Key, Fla.

The Air Force has also participated in a test of the feasibility of certain reconnaissance assets, incidental to their normal operations, being used in support of the information needs of the enforcement agencies. The classified results of this test are now being analyzed.

As you know, Mr. Chairman, and as you stated in your prepared statement, we are also considering, as requested by the Treasury Department, the feasibility of loaning Blackhawk helicopters to the enforcement agencies to replace the Cobras now on loan. I believe they requested four Blackhawks.

Also, we are considering the feasibility of providing the OV-1C Mohawk aircraft equipped with an enhanced radar capability, and we are considering the addition of a balloon borne radar at Patrick Air Force Base, Florida, to detect small, low-flying aircraft along the southeast coast.

Now, Mr. Chairman, I am very pleased this morning—I was hoping I could give you this information sooner—but I am pleased to report that while we have not yet received an official response from the Army concerning the Blackhawk helicopters or the OV-1C aircraft, the Department of Defense has instructed the Air Force to place a balloon borne radar at Patrick Air Force Base. This will enable it to perform both an Air Force mission and serve the needs of the civilian law enforcement agencies simultaneously. The effect of this placement of the radar will be to enable us to monitor permanently the air corridor along the southeastern coast of Florida now most frequently used by those who smuggle drugs illegally into the country by air. The Air Force is currently in the process of identifying the funds necessary to make this placement and we expect the job to be completed in the next several months.

Mr. Chairman, that is a firm commitment. The Air Force has been so instructed and we will proceed expeditiously.

It is apparent that our support to the south Florida initiatives has been a significant factor in the successful efforts to stem the flow of narcotics into the country. While the enforcement agencies involved do report increased levels of arrests and seizures, it appears as though our efforts also have had a large deterrent effect on drug trafficking in the area.

In summary, Mr. Chairman, on the things we have done in support of other agencies, the Defense Department is pleased to be one small part of President Reagan's broad initiative to halt the flow of illegal narcotics into the Southeastern United States. It is our intention to continue to provide every possible assistance, consistent with our primary mission requirements and relevant law.

Parallel to our efforts in support of Vice President Bush's Task Force on South Florida, we have taken the necessary steps to implement in a broader manner the direction given to us in Public Law 97-86 by this Congress last year. We have issued the regulations required by that statute and are now in the process of monitoring their implementation throughout the Defense Department and in developing the supplementary guidance we feel is necessary.

In general, we have completed much of the administrative work required by Public Law 97-86 and are well on our way to finishing that aspect of our effort. This is, however, only the beginning of what I envision as a continuing effort aimed at carrying out the intent of Congress in this matter. I am determined that we will be of maximum feasible support to civilian enforcement efforts consistent with our national security obligations. While we see ourselves as clearly in a support role to the civilian agencies, we will insure that agencies are aware of the contributions we might be able to make in the Department of Defense and that procedures remain such that realizing those contributions, where our primary mission so allows, involves a minimum of procedural delay.

Mr. Chairman, that concludes my statement, but I would like to add that through your diligence and the hard work of your staff in a very professional way you have given us cooperation and assistance that is so necessary in working with Congress and accomplishing these very difficult tasks.

I also must say that the services, the military services, have been very responsive on just all of these efforts, even sometimes when they are negative, but they have been responsive to us at the Department of Defense, OSD level, which I think is a job well done by a lot of people. Thank you.

Mr. ENGLISH. Thank you very much, Mr. Juliana. I think that we certainly want to express our appreciation to the Department of Defense as well. They have been very cooperative with us and very responsive to our inquiries of which there have been numerous over the last couple of months. We have appreciated your cooperation in this.

Mr. Juliana, could you give us an unclassified version of the present E-3, the AWACS worldwide commitment?

Mr. JULIANA. Worldwide commitment, I cannot, but I have the Navy here and a representative.

Mr. ENGLISH. AWACS must be Air Force, I think.

Mr. JULIANA. Oh, I'm sorry. I thought you said the E2-C.

Mr. ENGLISH. No, this would be AWACS.

Mr. JULIANA. I would then like to call on General Piotrowski to see if he might be able to respond to that.

Mr. ENGLISH. Certainly. General, if you would come forward?

For the record, General, would you identify yourself?

General PIOTROWSKI. Yes, General Pete Piotrowski, the Deputy Chief of Staff, Operations, Tactical Air Command.

Mr. Chairman, I am certainly pleased to be here today and acknowledge the fact that the Air Force fully supports this important national effort to interdict the flow of illegal drugs into the United States.

In response to your question, there are 20 AWACS committed worldwide and I can tell you where they are without bridging classification.

Mr. ENGLISH. We want the unclassified version, as much as you can tell us of an unclassified nature.

General PIOTROWSKI. This is unclassified. There are two committed to the defense of Iceland, four in Saudi Arabia maintaining 24-hour surveillance there, two in the Pacific, stationed at Okinawa, Japan, and those eight aircraft that are deployed overseas of course require continual replacement and that ties up an additional three aircraft, actually, replacing aircraft almost on a daily basis.

An additional 9 aircraft, 9 to 10 aircraft, are committed to training here in the United States, and on the average we have four aircraft in heavy maintenance, in what we call depot repair, on the average, day in and day out.

Out of a total of 26 aircraft, this essentially ties up the entire fleet.

Mr. **English**. The question I was leading up to, General, and again I think you may be the one to answer the second question that I have, we took note yesterday of the memorandum of the Vice President to the Secretary of Defense which was dated February 24, 1982. Item No. 2 stated that the U.S. Air Force AWACS aircraft would provide the same coverage as the E2-C when the E2-C is not available.

Now, this, as I think we all understand and recognize, could be done in the short run but if this was extended over a long period of time, say if we are talking about over 1 year or 2, would this have a negative impact as far as the overall operations of AWACS and its commitment around the world?

General **Piotrowski**. Yes, Mr. Chairman, it certainly would. It would have a significant adverse impact in terms of training our crews. We of necessity train 24 full crews a year and to mount a surveillance effort on a long-term basis would have a significant impact on our ability to train crews and we of course would have to maintain our overseas commitments.

Mr. **English**. You mentioned that you have nine aircraft for training, I believe. Is that your program number?

General **Piotrowski**. Yes, sir.

Mr. **English**. Nine is?

General **Piotrowski**. Yes, sir. It varies from 9 to 12 depending on the state of training at the time.

Mr. **English**. Does the AWACS aircraft have the capability to detect the small, low-flying airplanes which are usually operated by drug smugglers in Florida?

General **Piotrowski**. Yes, sir, it does.

Mr. **English**. And I assume that this same capability would exist for the Seek Skyhook as far as your knowledge of that radar system?

General **Piotrowski**. Tests have proven, Mr. Chairman, that the Seek Skyhook can detect small private aircraft of the Cessna variety that we understand are used by the drug smugglers.

Mr. **English**. And does the AWACS have the capability to assist Customs in the conduct of its normal training activities, AWACS training activities in the Florida area, without degrading its primary mission?

General **Piotrowski**. Our assessment shows, Mr. Chairman, that on an average of 4 to 6 days a month, that we could find productive training sorties in the south Florida area, north Florida area, that would give us productive training, and based on our understanding of Customs' needs, could provide useful information to the Drug Enforcement Agency and Customs.

Mr. **English**. So in effect what we would have taking place is a normal training exercise in which you are able to carry out your normal training role while at the same time keeping an eye out for any targets that might meet the profile that Customs is interested in and identifying those targets and relaying that information on to Customs?

General **Piotrowski**. That's exactly correct, Mr. Chairman.

Mr. ENGLISH. May I also assume that AWACS training flights will be incorporated into the drug interdiction effort in Florida? I assume that it already is being incorporated in there. I was on the first flight back in April, during the Easter recess, and I believe that was the first time that AWACS had been incorporated into the effort down in south Florida. Would you advise me of whether or not this is continuing to be operational in south Florida? In other words, anytime AWACS is in the neighborhood in south Florida, I assume that the effort has continued that was started back in that first ride that I took.

General PIOTROWSKI. Yes, Mr. Chairman. In fact, it goes well beyond that. Our surveillance capability is available to Customs on any flight that is in an area where they have an interest, and has been so since we started our first activity with Customs back in the 1970's.

So we are always ready to cooperate with Customs and provide surveillance information should we be operating in an area, whether it is Florida or Southwest United States, or wherever.

Mr. ENGLISH. As I understand it, as far as the south Florida area, the flight that I was on was the first one in this overall operation in that area in which routinely, AWACS was going to be plugging into Customs and providing any information that would fit the profile.

General PIOTROWSKI. It was the first one since the task force, the national task force, has been established.

Mr. JULIANA. Mr. Chairman, can I add to that, please. We at the OSD level have tasked the Navy and the Air Force to discuss how the AWACS operations in that area can be integrated into the Navy's operations.

Mr. ENGLISH. Very good.

Mr. JULIANA. So there will be a very compatible——

Mr. ENGLISH. So we don't get in where we've got an AWACS down there at the same time that we have a big Navy training exercise.

Mr. JULIANA. Yes, sir.

Mr. ENGLISH. We get maximum use out of the training exercises that are taking place in the area.

Mr. JULIANA. That is correct.

Mr. ENGLISH. General, if I remember correctly, the flight that I was on was the first time that you were not required to have Customs officials on board actually sitting down and monitoring the radar. As I understand it now, the change that has been made is that anything that would meet Customs' profile is routinely provided to them by the Air Force, as opposed to having the requirement of having a Customs official on board and having him actually go through all the procedures. Is that not correct?

General PIOTROWSKI. Again, you are precisely correct, Mr. Chairman. As a result of the change in the posse comitatus, we've been able to implement those policies and are delighted to do that, to provide that information.

Mr. ENGLISH. We, of course, have had much discussion for the last couple of days here of the Seek Skyhook operation and what it can do. How many hours of AWACS operation would it take in terms of—just say fuel costs alone—to pay for a Skyhook system?

General Piotrowski. Using a base cost of $10 million, which is we understand approximately what it would take to build a full, two-base, or two-balloon system, with what is currently in existence at Patrick, using that as a baseline, just fuel costs alone, considering 18 hours a day coverage, it would take 160 days to totally amortize that $10 million investment.

Mr. English. How many hours of flying would that be, roughly?

General Piotrowski. We are talking about—if you will allow me to calculate, if I can?

Mr. English. Certainly.

General Piotrowski. The fuel oil costs for the AWACS is $2,800 an hour, so if I can indulge you in just a——

Mr. English. If we are talking about fuel alone, you've got $2,800 an hour just for fuel as opposed to Seek Skyhook's entire operation, I remember that it was $400, I believe.

General Piotrowski. That's approximately correct and of course we are talking about building the total complex, buying all of the equipment, amortizing that. That's roughly 3,600 hours of flying time. If we add in the spares cost, that's roughly cut in half.

Mr. English. Seek Skyhook is a bit cheaper, then?

General Piotrowski. Yes, sir.

Mr. English. Mr. Juliana, I'm not sure whether perhaps the General is the one to respond to the questions I have with regard to Seek Skyhook. I am not sure—perhaps I will ask them of you and then you may to refer to the Air Force on some of these, if they get into a more technical nature?

Mr. Juliana. If they are technical in nature, I would yield to the Air Force in any regard, Mr. Chairman.

Mr. English. Mr. Juliana, does the Air Force have an operational need for the second Seek Skyhook at Patrick Air Force Base location?

Mr. Juliana. It is my understanding that they definitely do have operational need and again I think the general can give you more specifics on that.

General Piotrowski. I believe, as we discussed in the last hearing, Mr. Chairman, we acknowledge the fact that there are gaps in our low-altitude radar coverage around the periphery of the United States and the Seek Skyhook at Cape Kennedy Patrick Air Force Base certainly fills one of those voids.

Mr. English. So we would be locating a second Seek Skyhook not just simply to assist Customs but to carry out a mission as far as our national defense is concerned as well?

General Piotrowski. Yes, sir. It would provide valuable radar coverage into the NORAD region.

Mr. Juliana. Mr. Chairman, that is precisely right. There is a requirement and in reaching our decision only within the last couple of days that was the primary, of course, the primary reason for making that commitment.

Mr. English. Mr. Juliana, now that the commitment has been made, does that mean that the balloon for Patrick and the equipment that goes with it will be ordered immediately?

Mr. Juliana. Well, immediately is like as I leave the room or enter the room—

Mr. English. Within the next 24 hours?

Mr. JULIANA. The Air Force is finding the funds for that third balloon, if we can refer to it as such, but as you know there are capabilities already available to use which we are going to review.

We will proceed with those immediately, yes.

Mr. ENGLISH. So we are proceeding immediately as far as the procuring of that equipment for Patrick?

Mr. JULIANA. Yes, sir, we are. And, Mr. Chairman, while we are on that, it is a little side issue but it does relate. The Air Force, over the past several months, has been supporting the Customs Service in their own effort to develop a Skyhook surveillance system, and it has already commited $100,000 on the feasibility study to which the Customs Service has committed $400,000 for a portable-type system.

So when you say "immediately," yes on the Seek Skyhook at Patrick Air Force Base, but also the Air Force is involved in this other minor, if you want to call it that, effort to support Customs.

Mr. ENGLISH. As I understand it, though, Mr. Juliana, the tests have not been going well with regard to the Customs version. The balloon, as I understand it, recently crashed and the efforts don't look good for the development. In fact, I had even heard some rumor that the entire project may be shelved indefinitely.

Mr. JULIANA. Well, that may be so, but that still does not impact on our commitment.

Mr. ENGLISH. No, I agree.

Mr. JULIANA. Our commitment at Patrick Air Force Base.

Mr. ENGLISH. I appreciate that. But, you know, the point that I wanted to make was that we are not about to see Customs developing a similar capability, at least in the near future. That may be something that is on down the road and I certainly agree with you and commend the Air Force and the Department of Defense for support in assisting Customs in building such a concept. I think that that is something that is a direction we need to go in. But the point I think that needs to be made is, as I understand it, they are a long, long ways off from having that anywhere near operational, several years, in fact.

Mr. JULIANA. Well, it's a long way, yes. And also it should be made clear that, if that was developed for Customs utilization, it would not have anything to do with the Air Force mission or requirements.

Mr. ENGLISH. Yes, I think it is a good point, a very good point. So we are not looking at a case in which we would put up a Seek Skyhook and then sometime down the road expect that to come down and a Customs balloon replacement. More likely what is going to happen is the Customs project, should it ever come on line, would be used elsewhere around the country.

Mr. JULIANA. That's correct, Mr. Chairman.

Mr. ENGLISH. Can we also be assured that the existing Seek Skyhook will be fully incorporated into the NORAD radar data that is presently being provided to Customs?

Mr. JULIANA. You not only have that assurance but it already is, Mr. Chairman. As I said in my statement, we do have a Coast Guard petty officer on duty available to the law enforcement agencies to assist them and he has been doing that, and of course he does report through the NORAD channels. He is available to respond to requests from the civilian agencies.

Mr. **English**. The existing Skyhook down at Cudjoe, as I understand it, became operational earlier this month, and this was a part of the patchwork that was put together to continue to provide the coverage to the south Florida area until we were able to come up with this more permanent solution to the problem, namely getting a balloon up at Patrick. Is that correct?

Mr. **Juliana**. Yes, sir, that is;

Mr. **English**. Does NORAD have the capability to direct Customs to intercept aircraft from the display that is provided on Seek Skyhook?

Mr. **Juliana**. Yes, it does.

Mr. **English**. And is this essentially the same capability that is provided with the E2–C's?

Mr. **Juliana**. I believe it is, Mr. Chairman;

Mr. **English**. I think that you have stated that you expect that the second Seek Skyhook at Patrick will be brought on line in the very near future. I would assume, and I made this statement yesterday, I was trying to give some leeway, but as I understand it, we are talking about far less than 12 months. I said less than 12 months and I have been corrected, but that is probably far less than 12 months?

Mr. **Juliana**. I think it is far less than 12 months, Mr. Chairman.

Mr. **English**. Can we assume that the present level of the E2–B and the E2–C support will continue until this second radar is on line?

Mr. **Juliana**. That is correct. As you know, there have been some recent adjustments in that and the coverage will continue for an indefinite period.

Mr. **English**. Can we further assume that following the deployment of the Patrick Seek Skyhook that the E2–C will be used in the same manner as AWACS is presently being used today, namely, efforts to incorporate them into training missions and make that a part of the overall coverage?

Mr. **Juliana**. That is correct. But as you pointed out, the Seek Skyhook has a capability to provide the coverage at a much lower cost and that is a factor that we in the Department of Defense, Mr. Chairman, must consider. We have to provide these services most efficiently and cost-effectively.

Mr. **English**. I would agree and of course, again, getting back to the law, if we are looking toward this long-term effort, that is a requirement of the law. Whether the Department of Defense likes it or not, wishes to do it differently or not, it has to be a part of their overall training operation, their overall primary mission, to be incorporated in part of the training as the AWACS is today and as the E2–C is today.

Mr. **Juliana**. That is correct, and also with the Seek Skyhook operations. That gives us a more permanent aspect to this total project.

Mr. **English**. Very good. Thank you very much, Mr. Juliana.

I've got a few questions. General, I think I have gotten through with the Air Force.

General **Piotrowski**. Very good, sir.

Mr. **English**. Now, we've got to talk to the Army a little bit. You may want to have some of the Army people come up as we visit on the Blackhawk a little bit, Mr. Juliana.

Mr. **Juliana**. Mr. Chairman, on the Blackhawk, I did address that in my opening statement. We at the OSD level have not made a final decision on the Blackhawk.

Mr. **English**. I realize that.

Mr. **Juliana**. General Moore will address that in response to your questions.

Mr. **English**. As I understand it, though, and correct me if I am wrong, Mr. Juliana, because I am not that certain about it, but it is my understanding that there was agreement from the Department of Defense and the Army to allow for some trials or experiments with one Blackhawk on a temporary basis to see whether or not it would fit in. That's not true, the General is shaking his head. He doesn't agree. Do you agree with that?

Mr. **Juliana**. Well, we will get to that, and I don't want to take anything away from his comments. But we at the OSD level have not made a final decision on the Blackhawk. I believe the Army has and the General will address that, but in any event, the Department of Defense's position will be that your staff, the agencies of Government, particularly in this case Customs, certainly should have the opportunity to become familiar with the Blackhawk to learn what the problems might be, and why the Army has made whatever decision it has made.

Mr. **English**. Very good.

General, I guess the questions then are probably going to be directed more toward you with regard to the Blackhawk. The Army presently has on loan to Customs four Cobra AH-1G helicopters. Mr. Juliana stated that the Treasury Secretary, had requested four Blackhawks to be loaned to Customs, and there has also been a request, I believe, for one of those helicopters in the near future to be tested on the possibility of replacing the Cobras with the Blackhawks. Of course, as stated by Mr. Juliana, this is unresolved as far as the Department of Defense is concerned. Do you feel that the Cobra is well-suited for Customs needs?

General **Moore**. Yes, sir, I do. First, however let me identify myself.

Mr. **English**. Certainly.

General **Moore**. I am Brigadier General Moore, Director of Operations Readiness at the Department of Army. I am also the Director of Military Support, and in that capacity coordinate the DOD response to civil disturbance and natural disasters.

We have been working, on the Treasury Department request of four Blackhawk helicopters, and this is the first I have heard about the loan of one particular aircraft on a trial basis. As Mr. Juliana pointed out, we would be willing to discuss that with the Customs Service and with members of your committee, to allow people to go to Fort Rucker where we have training aircraft and are training pilots at the present time in order to assess the capabilities of the Blackhawk helicopter.

With regard to the loan of four aircraft, the Army has taken a hard look at that. As you know, this is our most modern troop-lift helicopter. It costs $6 million a copy. We have been distributing them as they come off the Sikorsky production line to our most high-priority units, such as our Rapid Deployment Force here in the continental United States. The next high priority units to be filled are our forward deployed units in Europe. In fact, the first unit's contingent of aircraft is currently en route to Europe.

Therefore, from the Army perspective, the diversion of four Blackhawk helicopters to the Customs Service would have an adverse impact on the readiness of those forces we are trying to equip with more modern aircraft.

Another important consideration is that the Customs Service would have to train pilots, crew chiefs and maintenance personnel to operate the Blackhawk. We have a backlog in our training system at Fort Rucker and it would probably be mid-September before we could begin training Blackhawk pilots for the Customs Service.

Maintenance personnel require an even longer period of training. Although a Customs Service pilot who already knows how to fly a Huey or a Cobra needs only transition training to fly the Blackhawk, maintenance personnel must be trained in the avionics repairs skills as well as other critical areas. This would require a training period of several months.

Additionally, I think it imperative that we examine with the Customs Service the problems of not only maintaining the aircraft, but how we would go about maintaining aircraft in south Florida.

Maintaining the Blackhawk is more difficult than maintaining the Huey helicopter because there is not as wide a contractor base for the Blackhawk as there is for the Huey.

Then, too, for the Blackhawk we have some maintenance problems within our own system in the Army caused in part by shortages of titanium which is necessary in the production of spare parts to keep our fleet operationally ready. Therefore, the diversion of aircraft to the Customs Service would impact adversely on an already difficult maintenance situation with the Army.

That's generally where we stand on the Blackhawk, sir.

Mr. ENGLISH. All right.

General MOORE. We would be glad to continue further discussions with the Customs Service however and let them check out the aircraft.

Mr. ENGLISH. I kind of want you to continue discussions with us right now.

General MOORE. Yes, sir.

Mr. ENGLISH. The question I asked you is, do you feel that the Cobra is well-suited for the Customs role, the job they need?

General MOORE. Sir, I have not been to south Florida to see how the Customs Service uses the Cobra, but our discussions with the Customs Service indicates that they feel that it is suited to their mission even though as you indicated in your statement, Mr. Chairman, it carries only two people.

Mr. ENGLISH. How would you feel if you were one of those Customs officials and you were there in the middle of the night with no lights, landing on a strip, taking on two, three, four other people? You have no knowledge about how they are armed or whether they are armed at all. You are up in that gunner seat of that Cobra and trying to climb out over that thing and waving your 45 around and yelling, "You're under arrest." Would you feel very secure in that type of position?

General MOORE. I think, Mr. Chairman, anyone in that situation is going to be a little bit nervous.

Mr. ENGLISH. That's the point.

General MOORE. I understand, however that the Customs officials are using automatic weapons and not just sidearms.

Mr. ENGLISH. But—that is not correct. But you are familiar with the Cobra.

General MOORE. Yes, sir.

Mr. ENGLISH. And you know how awkward it is getting out of the front seat of a Cobra, and under those types of circumstances, would you consider yourself to be in a life-endangering situation?

General MOORE. Depending upon the armaments of the people in the other aircraft, it could be a potentially life-endangering situation.

Mr. ENGLISH. Well, you have no armaments other than what you are carrying.

General MOORE. Yes, sir; I understand.

Mr. ENGLISH. And you don't know what the other side has got but you do know that there are an awful lot of automatic weapons among drug smugglers in Florida.

General MOORE. Yes, sir.

Mr. ENGLISH. So that would be—you'd have to be a brave man, wouldn't you, to do something like that.

General MOORE. Yes, sir.

Mr. ENGLISH. And that's what is troubling me a little bit. I don't want to see anybody getting killed down there in trying to do their job if we can prevent that. You know, that's the reason that we are taking a look at this. We need the Cobra speed, certainly, but also we need to discourage this type of confrontation where you've got—likely to have a fire fight with any type of automatic weapons involved. With one man climbing out of a Cobra, you are inviting that, it appears to me. Wouldn't you agree?

General MOORE. I would have to agree with you.

Mr. ENGLISH. Also, of course, the Blackhawk has a much greater range which would also be beneficial down there.

How many Blackhawks does the Army have right now?

General MOORE. We currently have 260 of the 1,100 authorized buy.

Mr. ENGLISH. 260.

General MOORE. Yes, sir. We need a total of 1,100, which is the total of the buy of the aircraft, sir.

Mr. ENGLISH. It is my understanding—we learned this from the Army Safety Center—that in the last 6 months, four Blackhawks have been totally destroyed by accidents.

They destroyed more than we are asking for on loan. As I pointed out, right now all we are asking for is one to test down in south Florida. Surely the Army wouldn't object to loaning just one helicopter out of 260 with more coming off the assembly line every month. I have just been told by counsel that that is something like 96 a month, is that correct?

General MOORE. I believe that number is slightly high, sir.

Mr. ENGLISH. How much would it be?

General MOORE. It is about 10 a month, sir.

Mr. ENGLISH. It is 96 a year, 10 a month, OK, that would be coming off, approximately.

You would be able to loan one under those conditions, wouldn't you?

General MOORE. As I said, Mr. Chairman, we'll be willing to discuss this with the members of your committee, your staff, and with the Customs Service. I think though that we have to look very carefully at the maintenance situation for the helicopter located in south Florida.

Mr. ENGLISH. I agree. That's where I am going next. I want to talk about the maintenance a little bit.

What is the Department of Army standard on the operation ready rate for the AH-G1 Cobra?

General MOORE. Sir, I'd have to ask. I don't know the OR rates for it.

Mr. ENGLISH. Could you give us a guess?

General MOORE. I would say it is somewhere in the neighborhood of 65 to 70 percent, sir.

Mr. ENGLISH. Do you know that the Customs availability rate has been in the 90-percent range?

General MOORE. I did not know, sir.

Mr. ENGLISH. Did you know they are carrying this out with no spare parts and with no special tools?

General MOORE. No, I did not, sir. They do get maintenance support from the Army.

Mr. ENGLISH. Do you know the last time that the Customs helicopters down in Miami were serviced?

General MOORE. No, I don't, sir.

Mr. ENGLISH. What authority does the Customs have as far as maintaining the helicopters in the Miami area?

General MOORE. Sir, I'd have to check that for the record. I believe they have a maintenance agreement with Northrop Corp. for support.

I believe, Mr. Chairman, Northrop Corp. is supporting them on contract.

Mr. ENGLISH. They are the subcontractor for the Army.

General MOORE. They are, Mr. Chairman.

Mr. ENGLISH. And during the time that the Customs has had the helicopters, which I believe has been something like since last October, are you aware of any maintenance work that has been done by Northrop on those helicopters?

General MOORE. I am not personally aware, Mr. Chairman. I would have to check the record and provide that for the record, if you would like, sir.

Mr. ENGLISH. We would like to have that for the record.

[The information follows:]

Northrop performed a phased inspection on the one AH-1G aircraft on loan to USCS during April 1982. This is a thorough inspection which is scheduled to be performed every 150 flight hours on the AH-1G during which all deficiencies found are corrected.

Mr. **English**. It is our understanding that at least in the last 3 months nothing has been done. Does 90 percent availability seem a little bit high to you, with no maintenance being done?

General **Moore**. It does, Mr. Chairman, but I am not sure whether the Customs Service is using the same maintenance criteria that we use in the Army.

Mr. **English**. Well, the only maintenance criteria they are using, as I understand it, is cleaning the windshields. Filling up with gas, that's all they have authority to do. Would you want to climb in that helicopter and fly it?

General **Moore**. I'm not sure that I would, sir.

Mr. **English**. Well, again, that's what's troubling us a little bit, that they don't have the authority down there, Customs doesn't, to carry out any maintenance. They have no spare parts. And they are flying those things at a very high availability.

Counsel is just asking that since the Army and Northrop are maintaining them, how you do that at 90 percent?

General **Moore**. Sir, as I say, I am not familiar with the maintenance program for those aircraft. I'd have to provide that for the record.

Mr. **English**. We'd appreciate that.

[The information follows:]

In rating the aircraft at 90 percent availability, the Customs Service registers only whether the aircraft is flyable or not. When the Army rates availability for Army Cobras, we rate all weather instruments, tactical communications systems, and armament systems as being available and mission capable. The aircraft loaned to the Customs Service simply requires their aircraft to be safe and flyable since no other instruments or systems are required for civilian visual flight rules. The aircraft provided was in excellent condition. It is not unreasonable to expect that the Customs Service would have been able to achieve a safe, flyable aircraft 90 percent of the time.

Mr. **English**. Well, with those helicopters being in Florida, how do they carry out the maintenance down there, do you know?

General **Moore**. No, I do not, sir. I would have to check it out and provide it for the record.

Mr. **English**. Thank you very much, General. I think that takes care of the questions I had on the Blackhawk.

General **Moore**. Yes, sir.

[The information follows:]

The loan agreement specifies that maintenance is the responsibility of the Customs Servce. The Army trained two certified aircraft mechanics from the Customs Service who were experienced in maintenance of helicopters. They were trained for several weeks at Fort Eustis, VA to make them proficient in unit level maintenance tasks required of an AH-1G mechanic. For supply, the Customs Service has an account which allows it to order and purchase parts directly through the Army supply system. To assure that maintenance requirements wre minimized, the AH-1G was given a 150-hour phased maintenance inspection and all time-life components had at least 150 flying hours life remaining before change was due.

Mr. **English**. Mr. Juliana, what role does the Joint Chiefs of Staff play with respect to posse comitatus?

Mr. **Juliana**. The Joint Chiefs of Staff, by the regulation, Mr. Chairman, has a major role. I can check that and I think it is included right in there. Excuse me just 1 second.

Yes, the regulation provides that they advise on the question of readiness.

Mr. **English**. They advise on the questions of readiness.

Mr. JULIANA. On the questions of readiness, yes, sir.

Mr. ENGLISH. I would assume then, did they play a role in the assessment of the deployment of the E2–C's?

Mr. JULIANA. Very much so, yes, sir.

Mr. ENGLISH. They have played a role in that.

Mr. JULIANA. Yes, sir. They have played a role on every request that has been made under this posse comitatus.

Mr. ENGLISH. I assume that it is not classified—can you provide us with their assessment, for the record?

Mr. JULIANA. Yes, sir.

I am advised that it may be classified but we will check it.

Mr. ENGLISH. That's the reason I made that proviso. If it is classified, I would like to take a look at it and we will not include it.

Mr. JULIANA. We will provide it if we can, Mr. Chairman.

[Subsequent to the hearing, Mr. Juliana indicated the information would not be supplied because it is classified.]

Mr. ENGLISH. I have some questions that pertain somewhat to the Navy. Mr. Juliana, you may be able to handle these.

Mr. JULIANA. I will try.

Mr. ENGLISH. There are not too many. I just have a couple, three.

Mr. JULIANA. We have Captain Whitaker. If I can't answer it, Captain Whitaker, I am sure, can.

Mr. ENGLISH. Mr. Juliana, the Vice President stated, "Navy warships" would be used to interdict suspected drug traffickers. When will this start?

Mr. JULIANA. Navy and Coast Guard have been tasking that every since this operation started and the Vice President requested that kind of coverage. I believe, and I am going to ask Captain Whitaker to either confirm this or correct me or complete the statement, that dual operation—and I addressed that briefly in my opening statement—is about ready to commence, Mr. Chairman. There were some problem areas. I believe the two services have now resolved them, the Coast Guard and the Navy.

Captain, can you address that further?

Captain WHITAKER. Yes, sir, I can. Good morning, Mr. Chairman.

Mr. ENGLISH. Good morning.

Captain WHITAKER. Captain Whitaker from the Chief of Naval Operations staff, head of the fleet operations branch. Mr. Juliana is correct. We have been working diligently with the Coast Guard in trying to work out both the legal and the operational aspects of this sort of an operation, and as you can imagine, they are very complex.

We are in the final stages of putting together an operation plan that addresses this. It has not yet reached the decision level. However, I would anticipate that it would be there in about 3 weeks.

Mr. ENGLISH. Captain, could you also go into some detail concerning the towing service which the Navy has been providing the Coast Guard?

Captain WHITAKER. Yes, sir, I can.

Mr. ENGLISH. That has already started, hasn't it?

Captain WHITAKER. No, sir, it has not. We have one final legal wicket to go through, if you will. The situation is this, the Coast Guard, of course, has very limited assets. When they make a seizure on the high seas, that Coast Guard cutter then must leave station to either tow or escort the seized vessel into a U.S. port. They requested U.S. Navy to review the feasibility of providing either towing or escort services for the seized vessel, in the course of our normal operations, if we have a ship nearby.

We have reviewed this proposal, the CINCLANT Fleet staff, the Navy staff, and OSD. We all agree it can be done. We have now worked out the operational details of it. And we are in the final approval process now. I would daresay by the end of the week we will be prepared to go.

Mr. JULIANA. And, Mr. Chairman, the request for the Secretary of Defense to waive the requirement is currently being staffed at that level, so it is just a matter of a few days.

Mr. ENGLISH. Thank you very much, Mr. Juliana.

Captain, could you please embellish on the high frequency sensor support that Mr. Juliana mentioned in his statement and give us a little more detail on that?

Captain WHITAKER. Yes, sir, I'll be happy to. The high frequency sensor support that Mr. Juliana referred to is more frequently called the HFDF net or the high frequency direction finding net. And without going into a great deal of detail, which would quickly become classified, for a number of years, on a case-by-case basis, we have provided the Coast Guard access to our HFDF net. We have recently been successful in streamlining the access process to that net so that it is much more responsive to an operational situation.

For example, the Coast Guard may be interested in monitoring frequencies on a time-sensitive basis, we can now respond to that request.

Mr. ENGLISH. Thank you very much.

Mr. Juliana, could you please provide for the subcommittee the results of this special reconnaissance test that you mentioned in your testimony earlier?

Mr. JULIANA. Yes, sir.

Mr. ENGLISH. We would like to have that provided.

[Subsequent to the hearing Mr. Juliana indicated the information could not be supplied because it is classified.]

Mr. ENGLISH. One question that counsel wanted to ask. Is reimbursement, Mr. Juliana, for the posse comitatus assistance, going to be demanded by DOD for such assistance as it may give to the task force?

Mr. JULIANA. We have asked the Armed Forces to identify the cost involved in providing this support. The Department of Defense's position is that it is to be reimbursed. So I think the answer to your question is, we will request reimbursement, Mr. Chairman.

Mr. ENGLISH. Mr. Juliana, I would request that the Department of Defense instruct the Army to get together with our staff and with Treasury to review the Blackhawk issue. I think we probably should have somebody from Customs involved in this as well as Treasury. I think that we would like to pursue that a bit further in our discussions, and particularly the issue of a loan of one Blackhawk in the area of Miami.

We would also want to discuss further this issue of maintenance. I think that this is a very important matter and a very important issue that has to be resolved. So I think that would be worth pursuing and we would like for the Army to assist us in that if they would.

Mr. **Juliana**. The Army will be so requested, Mr. Chairman.

Mr. **English**. As I understand it, Mr. Juliana, the consideration of the Blackhawk is still being made, being reviewed. The Department of Defense will be working with Treasury and with our people, our subcommittee, on that issue, continuing to review it. We have, as far as permanent radar coverage for the Florida area now committed to by the Department of Defense, the one Seek Skyhook now on line and assisting Customs, the second coming on in much less than a year. We have continued training operations by AWACS and E2-C's throughout that area providing additional coverage. I would assume that would be not only in Florida, but, in the case of AWACS particularly, if they are training over more into the gulf area, that they would be covering the entire Gulf States and entry area.

Yesterday, the Assistant Secretary of the Treasury Walker pointed out that they had recently seized a Convair 880 that was out of Miami trying to get into New Orleans, so I would assume that we could use the additional assistance anytime that AWACS was in the neighborhood, providing information to the Gulf States area.

It is also my understanding there are additional NORAD systems—radar systems that may be of much shorter range—that are also in that area. Those will also provide information to Customs, if the target should meet the profile that Customs is interested in at that time.

Is that a correct evaluation and review of where we are?

Mr. **Juliana**. I think it is, Mr. Chairman. We have made those commitments. We have been going forward and supporting the other agencies of Government and I think we have had a tremendous degree of success. You and other Members of Congress have tremendous interest in this which has been very helpful to us, and we will continue to go forward, because the President and this administration considers this a major issue that must be addressed.

Mr. **English**. Before we recess the committee, I would like to make one further comment. I would like to commend one man who is not here and has not been here during these hearings and that is the Vice President. In the meeting that I had with the Vice President after my visit to Florida in April, and discussions of the needs for a permanent solution to the problem down there and bringing that on line, the Vice President has been extremely supportive and assisted us greatly. We appreciate that and appreciate the spirit of cooperation that he has shown to us.

We have had, from time to time, skeptics about reaching this point, and the Vice President has done an excellent job in encouraging the skeptics that they should be a bit more optimistic and I think that he certainly deserves a great deal of credit.

Mr. **Juliana**. Thank you very much. I know he appreciates that, Mr. Chairman.

Mr. **English**. Thank you, Mr. Juliana. With that, we will recess subject to the call of the Chair.

[Whereupon, at 10:35 a.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

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MILITARY ASSISTANCE TO CIVILIAN NARCOTICS LAW ENFORCEMENT

WEDNESDAY, AUGUST 18, 1982

HOUSE OF REPRESENTATIVES,
GOVERNMENT INFORMATION
AND INDIVIDUAL RIGHTS SUBCOMMITTEE
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2203, Rayburn House Office Building, Hon. Glenn English (chairman of the subcommittee) presiding.

Present: Representatives Glenn English and Thomas N. Kindness.

Also present: Representatives Charles E. Bennett, E. Clay Shaw, Jr., and Dante B. Fascell.

Staff present: William G. Lawrence, counsel; Theodore Mehl, professional staff member; Euphon Metzger, clerk; and John J. Parisi, minority professional staff, Committee on Government Operations.

Mr. ENGLISH. The hearing will come to order.

For many months, this subcommittee has been involved in a study of the implementation of military assistance in the fight against drug smuggling. We have held three previous hearings on this subject involving some of the same witnesses who will appear again today.

Initially, we wanted to determine exactly what the effect of the new law which permitted such military assistance would be. Our questions were directed toward the needs of the civilian law enforcement community, and the capacity of the Department of Defense to respond to some of those needs. We were concerned that everyone understand the potential of the new law and also understand its limitations.

Our early hearings revealed that the Vice President had instructed DOD to make certain assistance available in support of his South Florida Task Force, and that DOD had provided invaluable help. For example, Navy E2-C and Air Force AWACS radar planes are being used to spot targets for Customs. Additional downward-looking radar coverage, so necessary to detect the low-flying smuggler, is being added to the radar array by the Air Force's tethered aerostat, "Fat Albert," located in the Florida Keys.

Army Cobra helicopters are on loan to Customs to help make arrests of smugglers. Navy ships report sightings of suspicious vessels, and are now helping to tow in smugglers caught on the high seas by the Coast Guard so that the Coast Guard ships can stay on-station longer.

We wish to receive a status report on the Air Force commitment to expand its low-level radar capabilities in the area beyond its present coverage, and on the Army's commitment to allow Customs to test the new Black Hawk helicopter, which could replace the Cobras.

Everyone concerned agrees that drug smuggling has been severely impacted by the efforts of the Vice President's Task Force, and that the assistance provided by DOD has been vital.

We certainly wish to recognize that fact publicly. Congress expanded the mission of the Armed Forces, and they have responded with enthusiasm and to great effect in the war against drugs. It is now time to plan for the long term, however. Planning and coordination must take place both within the civilian law enforcement community and within DOD.

Interdiction is primarily the responsibility of the Treasury Department, and we will receive testimony this morning from Assistant Secretary John Walker, who has been deeply involved in task force activity.

We need to hear about the direction in which U.S. Customs is heading. What steps are being taken to institutionalize the impressive response capabilities demonstrated by the Miami Air Support Branch, so that drug traffickers will be forever denied convenient access to Florida's airways?

What about the sea smuggler in Florida? We hear that drugs are still leaving South America by air, but are being dropped into the sea for pickup by small boats because the airplanes are unable to penetrate the radar barrier at the Florida coast. We assume that "mother ships" will load tons of marihuana in Colombia, and make landfall somewhere in the United States.

Are the smuggling patterns changing? If so, where in the United States are the smugglers going, and what is being done to detect them? What is being done to put law enforcement assets in place ahead of the smugglers to deter or apprehend them? Is fullest use being made of the resources of DOD which might be available, such as equipment, intelligence sharing, or training? How are you coordinating with DOD?

We will also hear this morning from the Department of Defense, in the persons of the principal Deputy Assistant Secretary of Manpower, Reserve Affairs and Logistics; and the Assistant Secretaries of the Army, Navy, and Air Force.

We want to hear that utilization of military resources is moving from its atmosphere of unique experiment and becoming an institutionalized procedure. We must recognize that, as the success of the South Florida Task Force is publicized, there will be an expanded demand for military support from other areas of the country, and from State and local enforcement agencies as well as the Federal agencies.

Individual base commanders need to know what their guidelines are, and under what circumstances equipment loans or other assistance may or may not be authorized. There must be an orderly procedure for sharing of certain military intelligence, one that is known to the Armed Forces, the law enforcement community, and the Congress.

The law became effective last December. DOD's implementing directive was issued some 6 months ago. We will hear this morning what progress has been made in making military aid a reliable tool in the law enforcement arsenal.

Mr. Kindness?

Mr. KINDNESS. I would like to commend the chairman for his continued foresight and cooperation.

It is an example of the sort of cooperation we would like to see more frequently among the various agencies of the Federal Government within the executive branch and with what I believe to be the very close cooperation of the legislative branch through the oversight that is being exercised by this subcommittee.

Frequent, systematic oversight in order to assure the continuation, the development of planning, the development of cooperative facilitation of operations through future years, I think, is well exemplified in this series of oversight hearings.

I trust that we will continue in that same spirit that has pervaded the atmosphere of these hearings previously.

I wish to advance my apologies for having to leave before the hearing is completed this morning. I have to go to the woodshed or the White House. I did not know of a way to say no.

I yield back, Mr. Chairman.

Mr. ENGLISH. We will all pray for you.

Our first witness will be Mr. John Walker, Assistant Secretary of the Treasury for law enforcement.

Let me say that I feel we have made some genuine progress in the past few months in this renewed effort against drug trafficking.

Assistant Secretary Walker has been a large part of that. He has insured that an air of candor and cooperation existed between his Department and this subcommittee. He has personally spent many hours at this task.

There has been some real progress made in Florida against drug trafficking and Assistant Secretary Walker has been a large part of that. He has been very candid with this subcommittee, and we deeply appreciate it, and he has spent many hours trying to make certain that this cooperation continues.

Welcome, Mr. Secretary.

STATEMENT OF JOHN M. WALKER, JR., ASSISTANT SECRETARY FOR ENFORCEMENT AND OPERATIONS, DEPARTMENT OF THE TREASURY, ACCOMPANIED BY GEORGE C. CORCORAN, ASSISTANT COMMISSIONER OF ENFORCEMENT, U.S. CUSTOMS

Mr. WALKER. When I last appeared before this subcommittee some 3 months ago, I reported to you on the Treasury Department's activities and future plans in support of the Vice President's Task Force to combat crime and drug trafficking in south Florida.

Since that time and with the easing of posse comitatus restrictions on military technical and training support made possible by the passage of Public Law 97-86, the administration, through the Vice President's Task Force, has been able to concentrate sufficient

Federal law enforcement and technical resources in the Florida area with the result that there has been a significant drop in drug smuggling attempts, especially by air, and a decline in crime rates in the south Florida area.

In addition to approximately 250 customs personnel detailed to Florida in March of this year, 45 special agents of the Bureau of Alcohol, Tobacco and Firearms have recently joined the task force and have already had an impact on violent crime associated with gun trafficking in the south Florida area. Those agents are directed in major part to work with the Bureau of Drug Enforcement, and it is another example of interagency cooperation that is at work down there.

This development is important, because it is estimated that prior to the activation of the Vice President's Task Force on South Florida, 70 to 80 percent of the marihuana and cocaine entering the United States passed through Florida.

Our drug interdiction successes would not have been possible without the support and technical assistance of the Defense Department. The armed services have made the following commitments of military technology:

The Air Force Seek Skyhook tethered aerostat, located on Cudjoe Key, which could provide low-altitude radar coverage, is now being utilized by Customs to determine the best method for improving the transmission of radar coverage to the Customs Control Center—C-3.

The Air Force has also agreed to establish a second Skyhook at Patrick Air Force Base, which will provide additional low-altitude radar coverage of the east coast of Florida. I believe that commitment was made at the last hearing, Mr. Chairman. Funds for this system are designated in the fiscal year 1983 defense authorization bill.

The Navy continues to provide E2-C radar surveillance support on a monthly schedule to assist Customs air units in the identification of low-flying smuggler aircraft. In addition, Air Force E3-A—AWACS—flights have provided coverage along the southern border of the United States.

In addition to four Cobra helicopters currently in use, the Army has agreed to provide Customs with the loan of a Blackhawk helicopter for testing under operational conditions to determine its fitness for pursuit and seizure of smuggler aircraft. Discussions have been initiated regarding maintenance, training, and a delivery date for the Blackhawk.

Apart from the acquisition and use of military technology, a major event during this reporting period has been the establishment of a Joint DEA/Customs Task Group, which is unique at this time in that Customs agents are authorized to engage in investigations of drug-smuggling seizures and arrests under a special delegation of authority from the Attorney General.

This arrangement has proven to be professionally productive and cost effective, as it permits Customs agents to investigate intelligence leads as they develop from smuggling seizures and arrests. As of mid-June, the task group opened approximately 300 investigative cases and 87 indictments were returned gainst 198 defendants. It is expected that in the coming months the number of prosecutions and convictions will increase further.

Since March of this year, in the Florida area, over 1,300 pounds of cocaine and 411 tons of marihuana have been seized, and over $7 million in assets of the drug trade, such as vehicles, vessels, firearms and currency have been confiscated.

There have been other seizures outside the Florida area, which our investigation has disclosed relate to Florida drug trafficking, the so-called diversion cases, and we have had some successful seizures in that regard, in Mexico, Louisiana, and elsewhere.

At this point, let me stress that the favorable result with drug supply reduction in the Florida area gives us no reason to relax our vigil. On the contrary, we have always assumed that as the interdiction conditions in the Florida area become more difficult for drug trafficking, the traffickers will test other means and routes along our borders. For example, at the present time, rather than risk radar and pursuit plane detection, smuggler aircraft make airdrops of drugs in the vicinity of the Bahama Islands for pickup by small boats that they think may have a better chance of escaping detection.

While we are not yet able to identify a major shift in marihuana and cocaine trafficking from the South, there are indications of an increase in suspect aircraft and resultant seizures north of Florida and in the gulf coast area.

To prepare for the contingency that drug smugglers will try to shift their air and maritime activity away from the Florida area to less vulnerable regions of the country, the Customs Service is now preparing a national drug interdiction threat analysis study, which we expect to complete by mid-October. This threat analysis study will permit us to position Customs personnel and technical interdiction resources so that we may effectively respond to future trends in drug-smuggling traffic.

At the same time, acting upon our valuable experience with the Florida Task Force and the joint DEA/Customs Task Group models, we are giving consideration to the establishment of similar drug interdiction Federal task forces and/or joint task groups in other strategic areas of the country. The activities of these regional Federal task forces would, of course, have to be coordinated as part of a national interdiction strategy in a manner yet to be determined.

Part of that planning, of course, would arise out of the completion of the threat analysis to which I have just referred.

The level of activity of a national drug interdiction strategy will, of course, depend on available personnel and technical resources and will, therefore, require further consultation among executive branch departments and agencies.

Mr. Chairman, my testimony today would not be complete without an acknowledgment of the invaluable assistance which you personally and your staff have been to us throughout this period. Your interest and participation in this national operation to interdict drugs is a fine example of interaction between the executive and legislative branches of our Government to achieve a common objective.

I appreciate the opportunity to appear before this subcommittee. I will be pleased to provide any additional information you may desire.

Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you very much, Mr. Secretary.

Mr. Kindness is going to have to leave us shortly, so I want to give him an opportunity to ask any questions he may have.

Mr. KINDNESS. Thank you, Mr. Chairman.

I will be relatively brief in that respect.

Is Customs now receiving information from the Skyhook?

Mr. WALKER. Yes, we are getting information, but we are working to expand the degree, the flow of information, and we think there are is still improvements that can be made there.

Mr. KINDNESS. Is that an element of cooperation or of just techniques?

Mr. WALKER. It seems primarily techniques at this point, although perhaps Mr. Corcoran could give a better, a closer answer to that one.

Mr. CORCORAN. Right now, the answer to the specific problem that you are addressing, we have two of our patrol officers assigned, last week and this week, with the Air Force, because the basic problem is the Air Force is looking down range and not the whole 360 degrees. We have our offices there looking at two things: How we can improve our communications with our command center, and also what is the traffic in a 360-degree area, and how much attention should we, ourselves, put to it, and we have had some tentative commitment from the Air Force of increasing their coverage, to assist us and support us as well as their own interests, so we will see from our own current study what additional communications and adjustment of radar personnel we can make.

Mr. WALKER. There is no doubt that the Skyhook is a very important part of our interdiction strategy. That is why we are anxious to have the Skyhook also placed in Patrick.

We think that the details of how the coverage is maintained can be worked out.

Mr. KINDNESS. Administratively, are there any problems that you see, mechanical problems that need to be addressed in any manner that are basic to the cooperation structure?

Mr. WALKER. As far as I can see, the problems that we have encountered, and there have been some problems have been largely of a bureaucratic nature. This does not surprise me. One gets used to dealing with bureaucracies in the Government, but there are channels and approvals that are required, and there are questions asked, and when a lot of different people have to be briefed on the importance of a particular effort before they will sign off on it, it takes time.

We would like to see the channels improved, the bureaucratic channels improved, and I hope one of the things that comes out of this hearing will be a feeling on the part of all agencies of Government that the faster we can process these requests and deal with them and establish concrete definitive methods of processing these requests, the better off we will all be.

Mr. **Kindness**. Is it contemplated that there will be an ascertainable date when the necessary communication lines would be established between Cudjoe Key and Miami?

Mr. **Corcoran**. We do have the Autovon system, and we would like to improve on that.

We would like to directly communicate with our aircraft. We are going to our command center, who may or may not see the same target, which is very useful to us, and it does give us good communication, but we think we can improve on that. The Autovon system is in place in Cudjoe Key and in our command center in Miami.

Before, our communication was going to Tyndall Air Force Base, and then to the command center.

Mr. **Kindness**. I want to solicit any comments that either of you may have in this area, and would hope that perhaps other witnesses may want to make expressions on this, too, and because of the concern of this subcommittee with areas such as the Freedom of Information Act, I think we need to take a look at this question of how much confidentiality or classification of information about task force-interagency cooperation needs to be maintained.

The area of law enforcement with which you are concerned, it seems to me, requires some confidentiality of information, not only about tactics and strategy, but about the deliberations of the task force or their records.

I would just solicit your comments as to whether there are any areas of sensitivity that are developing or have developed to which this subcommittee should address its attention?

Mr. **Walker**. First of all, I agree with you wholeheartedly that to the extent that we are dealing with tactics, with operations, the extent to which we can keep those confidential, the better off we are. I don't think we want to signal our activities, the extent of our coverage, because it is self-evident that we have a very large border, and we have to allocate resources and shift resources, and we would not like to have that become public knowledge.

As far as the confidentiality of our activities, and investigations are concerned, I am a strong believer that such information should be kept confidential.

I do not favor the ability of defendants to get investigative files long after the trial is over, or perhaps not in any connection with any legal proceeding, just to fish around and see what they can come up with and find out who the informants are and take reprisals against them.

Those protections, I think, Congress has to be very vigilant to maintain, and there are exceptions in the Freedom of Information Act that afford those protections, but we need to look at it to make sure that it is not undermining law enforcement.

That is essentially my views on that.

Mr. **Kindness**. Thank you, Mr. Chairman. I yield back.

Mr. **English**. We are going to have to break shortly. We do have a vote on the floor, but I will try to get in a couple of quick questions, Mr. Walker.

You mentioned in your testimony the issue of diversion. There is some evidence that some flights are already being diverted from Florida into other areas of the country.

Could you elaborate a little more on what kind of evidence you are looking at, and is there a significant shift that has begun?

Mr. **Walker**. Well, we have had seizures outside of the Florida area that we believe are directly related to the drug-smuggling effort by Floridians or by those who would smuggle into Florida, if we were not present there.

In March of 1982, there was a cocaine seizure of 515 pounds from Bimini. In May, a seizure of 11,000 pounds of cocaine in New Iberia, La. In June, a seizure of 214 pounds in an airdrop in New Mexico, and also in June of 1982, we had a seizure of 606 pounds in Long Island, N.Y.

In addition to that, just in the last month or 6 weeks, we have had approximately eight instances of airdrops that Customs has intercepted or found out about in the Bahamas.

These were drops from small planes that would otherwise have flown into south Florida, and they dropped the drugs in the islands for transshipments to south Florida by small boat.

This is presenting a unique interdiction problem for us. Obviously, we cannot track the planes as they come into our radar network as easily, and then we have to worry about how we are going to stop these small boats that are coming in when there are many, many small boats out in that area.

Again, it points out the need for intelligence.

That is, in my judgment, the key to an effective interdiction strategy.

To the extent that we have to rely on pure technology, on radar, we are going to be somewhat effective, but we can't be completely effective. We really need to know who the people are and what their modus operandi is, so we can be there when they are there and not have to respond all the time.

Mr. **English**. With reference to what you said, drops have been made, and we heard about the efforts to make drops at sea. Are those far more difficult, and even less successful? For instance, we heard—I don't know whether this is still the case or not—drops are being made at sea, and many times, the bales of marihuana just break up, and they are having great difficulty in trying to have a successful exchange along those lines.

I believe the aircraft that was used in New Orleans that you were successful in intercepting was a very large aircraft, as opposed to the smaller type aircraft. Is there any indication that these types of efforts are far more complicated and less successful than what we have had in the past with the small aircraft?

Mr. **Walker**. I think that is a clear inference that can be drawn here, because the easiest thing, of course, would be to fly the drugs up in a small plane and land them in a secluded airstrip in Florida and unload them and sell them, and we are not letting that happen now. At least, we are making major efforts to stop it, and we are being, by and large, successful; so I think that these other techniques that are being used are riskier and more difficult.

Obviously, if drugs have to be dropped in the sea or dropped off on an island, and then picked up and transshipped in by boat and this involves more people, there is greater risk of detection; it takes longer and may be more expensive. So, to that extent, we are making life tougher for the smugglers.

They do present different interdiction problems that we would now face.

Mr. ENGLISH. In light of this shift, I think you mentioned all the way from the Southwest into New Mexico, and all the way around into Long Island. What recommendations would you have, dealing with the Southwest and my part of the country, on air interdiction?

Mr. WALKER. I know you have a particular interest in the Southwest, and we are focusing on that.

We have, as I mentioned, started to develop a national air interdiction strategy, and this again arose in part out of discussions you and I have had, and our staffs have had, and we reached agreement that this kind of analysis was fairly critical.

This will focus largely on the real problems that exist, the interdiction problems that exist in the Southwest.

We anticipate requesting or continuing to request military assistance in the Southwest now. We have the use now of AWACS planes in the Southwest, being provided by the Air Force flying out of Tinker.

We intend to maintain that kind of liaison with the Air Force and to utilize those resources.

We will be looking at other radar needs as a result of this threat analysis.

At the same time, we will have to concern ourselves about developing the pursuit resources that are necessary to deal with this problem.

We are again, of course, having to balance all sorts of things in the Federal Government, including a budget climate that is not entirely hospitable to expanding resources, and we have to be concerned about that as well.

We are looking at ways to take our existing resources in the form of seized aircraft and convert them into usable aircraft that we might use in pursuit, but, again, to the extent that we can get assistance and support from the military in the use of their aircraft at all levels, not just radar, but even pursuit, if that may be possible, we would be advantaged, and I think our interdiction effort would be improved.

Mr. ENGLISH. Mr. Walker, we will recess for about 10 minutes, and I will vote and be right back.

[Recess taken.]

Mr. ENGLISH. Mr. Walker, with regard to the Southwest, do you currently have the capability to identify, interdict, and seize aircraft in the Southwest?

Mr. WALKER. Yes, we do.

We have adopted a strategy in the Southwest, based upon mobility and flexibility.

We have permanent customs resources, both personnel and equipment, established at several strategically placed air bases in Mexico, southern California, and along the Mexican border.

Through the cooperation of the military, and the strengthened detection capability that we are getting from the periodic patrols of the special radar platforms, AWACS, mini-AWACS, customs is in a more effective position today to identify the suspect intruder aircraft nationwide, including the Southwest.

So we are, we do have a capability there.

That does not mean that it cannot be improved.

Mr. **English**. What benefit do you think you could derive from a national air threat analysis?

Mr. **Walker**. We could learn the probability of modus operandi that might be utilized, the approaches, the air approaches that could be more or less favorable to smuggling and the probable destinations of smuggling.

Mr. **English**. Each area of the country would be a bit different. The Southwest is going to have a different set of problems than south Florida?

Mr. **Walker**. Right.

Mr. **English**. Any task force developed down in that area is going to have a different approach. Each one is going to be basically tailor made for that particular region of the country. Is that correct?

Mr. **Walker**. That is right. In the Southwest, we are talking about a vast area, and a large border. Florida is uniquely suited to a concentrated approach because all of the planes at least initially before we really got in there, were coming into the southern Florida area. We really had a funnel effect on drug smuggling activity. It is going to be more dispersed in the Southwest. We may have to consider a rapid deployment force kind of approach, if you will, to deal with the problem.

I just don't know.

Mr. **English**. You mentioned that you may have some additional task forces, and this is one of the considerations that you have made. For what areas are you going to propose task forces, and why have those particular areas been selected?

Mr. **Walker**. We are thinking of the Southwest, Los Angeles area, Houston area, and possibly in the New York area, but we are not talking about task forces quite in the same sense as the South Florida Task Force.

What we are talking about are the mobilization of resources in a coordinated manner, utilizing the lessons that we have learned from south Florida, and, for instance, we have a degree of cooperation between DEA and customs in south Florida that is as good as it has ever been.

We have a degree of cooperation between the military and Customs that is excellent right now.

Thus, it seems to me, the real story out of south Florida has been the great cooperation that Federal agencies have shown in that effort, and we want to take that degree of cooperation, that spirit of cooperation and translate it into workable application of resources against drug smuggling in other parts of the country.

We don't know, we can't say, what resource levels we will be operating at, but if we have cooperation between the agencies of Government, we can go a long way toward solving this problem or working to solve this problem that we have.

That is what I would like to see develop in task groups or task forces that we would establish to counter this threat.

Mr. **English**. Mr. Shaw?

Mr. **Shaw**. Thank you, Mr. Chairman.

I would like to thank you for inviting me to sit up here with you on this panel.

In reviewing the testimony, Mr. Walker, on page 3, you say as of mid-June the task force has approximately 300 investigative cases, 87 indictments were returned against 198 defendants.

How did you have more defendants than you do indictments?

Mr. WALKER. You could have more than one defendant in an indictment.

These are multidefendant cases, conspiracy cases, and the like.

Mr. SHAW. In talking about the Bahama Islands for a moment, we do know that that is getting to be an increasing problem. In fact, I heard reports that the drug traffickers have actually taken over large parts of some of the south islands and indeed some of the larger islands.

What type of cooperation are we getting from the Bahama Government in stopping this trafficking through the Bahamas?

Mr. WALKER. We have made contact with the Bahamian Government.

There have been joint efforts, joint meetings held, and negotiations are underway.

I don't feel personally that we get the same level of enforcement out of the Bahamian Government that we would provide.

I am not going to sit here today and say that I think there are major problems. I can't prove that there are major problems in enforcement down there, but I think that their attitude is that it is not really their problem. It is our problem, and the enforcement level is commensurate with the level of interest.

Mr. SHAW. Is there any interest in the Bahamian Government to set up some radar detection on their island, so we can pick up the drops on their island as they come in, to upgrade our level of enforcement?

Mr. WALKER. I will refer that question to Mr. Corcoran, who is sitting to my right.

Mr. CORCORAN. Two things of cooperation in that area.

I agree with John; the level of cooperation is not as such that we would have within our own organization and departments.

DEA, with the Bahamian authorities, has an operation called BAT, which has been successful where we have detected aircraft going in and making drops either on land or at sea, where they would notify—DEA would notify the Bahamian authorities, and they would go out and make seizures on the boats as they go back out into the islands, and we have had cooperation with some of the island authorities with radar and refueling assistance. So, there is a good level of cooperation by some of the authorities in the islands.

Mr. SHAW. Well, can we say that the major problem now coming into Florida is coming from the Bahamas? Have we reached that level?

Mr. CORCORAN. The drops that are being made, several things happen: One, they drop some on the islands, but most are being dropped to small boats coming out from the United States and going back into the United States, and they are either being intercepted by the Coast Guard or being tracked by our planes and intercepted by our marine coastal patrol offshore.

That is more often the case at this point than it is the traffic right to the Bahamas. There may be a lot of stockpiling in the islands, and then later being smuggled in.

Mr. **Shaw**. As far as local law enforcement, particularly the Florida marine patrol, which has grown considerably, and with its own growth has utilized a lot of seized vessels.

We have a cigarette that is operating regularly that used to be on the other side.

What is being done to assist us as far as turning over the equipment—well, we need this material to help us out.

Mr. **Walker**. We are not unreceptive to those requests.

Sometimes there are differences of opinion as to whether or not a particular plane or boat should be turned over, but we have honored a number of those requests in the past.

Mr. **Corcoran**. On boats we have recently been successful in getting some boats forfeited and turned over to the local authorities. With the Florida marine patrol, we have currently an operation which I would not identify too much, but a joint operation with them, to combat the small boats coming in.

We have a marine operation which has been rather effective in the last couple of weeks.

Mr. **Shaw**. You know of no prohibition in the law that would prevent the Federal Government from turning over that equipment to the local authorities?

Mr. **Corcoran**. Not at all.

Mr. **Shaw**. You talk about the cooperation between the agencies of Government. Turning to the military, with the budgetary restraints that we are obviously having at this particular time, do you see a greater capacity that the military could fill, particularly in problems in other parts of the country, that seem to be popping up as we begin to solve some of the problems in Florida?

Mr. **Walker**. I will await with interest the testimony of the military witnesses when you ask that question of them. From my perspective, at Treasury, where we are responsible for civilian law enforcement agencies, we are under very, very severe budget restraints. We are scrambling for ways to utilize the limited resources we have effectively, whether it be by using seized aircraft or selling off the seized aircraft and being able to use the proceeds to purchase pursuit aircraft, and the like, and we do not feel under present budget restraints we can acquire the kind of resources that we would like to have to deal with this problem.

We are grateful for the passage of the laws that liberalize the doctrine of posse comitatus and permit the military to supply equipment to civilian agencies, and we have come to rely on it.

I also am extremely pleased that the attitude in the Pentagon is really coming to be one of prolaw enforcement, and we are seeing more and more a desire on the part of the Pentagon to be receptive to requests from Customs in this area.

Obviously, we will need continued and increased military support.

Mr. **Shaw**. What a difference a year makes, when I think about Charlie Bennett, Dante Fascell, and I, and many others, indeed, the House of Representatives did pass an even more comprehensive bill which would have allowed the military to become even more involved.

As we see what we have been able to do, I intend to get into this deeper in questioning the military witnesses, because it certainly is a success story, and it is doing a lot of good throughout this country and doing something for the morale among the Armed Forces.

Mr. ENGLISH. Mr. Fascell?

Mr. FASCELL. Let me express my appreciation to you for allowing me to sit as a member of your subcommittee.

Mr. Secretary, for as long as I can remember, we have struggled with the problem of crime in the United States as a major national problem, and it has been addressed in a variety of ways over a long period of time.

If my memory serves me correctly, back when we had hearings some 15 years ago, in this very committee on this issue, one of the findings that came out of those hearings was that, and I want to see if you agree with this finding, because of the international scope of crime, and because of this interstate capability, talking about all crime as well as drug trafficking, that it is completely beyond local law enforcement to cope with and requires a national commitment.

Mr. WALKER. I would agree entirely with that, Mr. Fascell.

Mr. FASCELL. That led to a lot of legislation, Drug Enforcement Agency, LEAA, and a whole host of other efforts to come to grips with this problem.

I know that, for example, we struggled very hard to get the regional office of DEA in south Florida some 13-15 years ago because the problem was quite evident then as it is right now.

Are you satisfied? Can you satisfy me specifically that such a national commitment now exists?

Mr. WALKER. Yes; I am absolutely convinced that this President, the President that we have now, is totally committed to law enforcement on a national level to a national effort to combat crime, organized crime, interstate crime, violent crime, particularly arising out of drug trafficking, which is interstate and international in scope.

The Federal agencies that are devoted to this effort reach across State lines. They have international commitments as well. Customs is a good example.

Mr. Corcoran, who sits on my right, the Assistant Commissioner of Customs for Border Operations, his agency is responsible for stopping drug smuggling and investigating appropriate cases, where possible, of drug smuggling coming into the country, but also he is able, through the contacts that Customs has, and through Customs attaches, to have international operations as well. So the commitment is total. I can certainly speak as far as Treasury is concerned.

Our commitment is 100 percent to this effort.

Mr. FASCELL. There was also considerable consideration given in the past, and I am sure it is being thought of now as well, that there needs to be one single place in the U.S. Government that has the responsibility for carrying on the fight.

How do you feel about that?

Mr. **Walker**. Well, I feel that if agencies cannot cooperate, then there is a strong argument for the kind of centralized focal point that you have described, but there are advantages to having different agencies focusing on different areas of a problem, provided there can be good cooperation.

Customs has particular expertise in the smuggling of drugs and in interdiction.

They apply lessons learned in smuggling generally, for which they are responsible, to the drug problem.

They can focus on that particular aspect of the drug problem as specialists. Where there is good cooperation between Customs and DEA, we have an enhanced effort. DEA is more interested in the domestic conspiracies.

Customs is not particularly focused on domestic conspiracies, and they should not be.

Their major effort is on international smuggling across the borders. DEA can focus on the domestic conspiracies, and it does so, and I think it does so effectively.

So I don't think we need to have a single law enforcement agency dealing with the problem, but we do need a high degree of cooperation, and in this administration we do have a greater degree of cooperation between Treasury and Justice than we have seen in past years.

Mr. **Fascell**. Of course, you put your finger on one of the major difficulties. In the past, despite national commitment by previous administrations, one of the major problems has been the cooperation at the Federal level between the investigating agencies and the prosecutorial agencies, and now what you are saying to me is that the relationship is much better, and you don't feel that somebody, let's say, in the Attorney General's department should have overall authority with respect to coordination of all existing Federal agencies to bring them to bear on this problem?

Mr. **Walker**. In my judgment, right now, there is no need for that, because we are well coordinated.

There are close personal relationships and close business relationships that exist between the senior officials in the Justice Department and in the Treasury Department at the present time, which are allowing a degree of cooperation that is of a very high level.

Mr. **Fascell**. Let's look at some lessons that we should have learned from the past on the question of task forces of one kind or another.

I recall specifically the effort to bring the Organized Crime Task Force to Dade County, Fla., and how we have had to fight through the years to maintain the presence of the Organized Crime Task Force, and that became necessary for obvious reasons. But couple that with lack of personnel, budget constraints, the inability because the military in those days was not involved in any way, presented a real problem.

As the task force begins to get more effective and get its work done, there is a tendency to let the problem flow back to the existing agencies. There is always that drive on to say, well, they can do the job if we just let them do the job. They can do the job if we give them the money, and if we give them the personnel.

The problem in the past has been that it always goes back to those agencies, and they very rarely ever get sufficient money or personnel and time.

They are always way behind constantly. It may just be the dynamics of the process. We fought 10 years to get additional U.S. prosecutors. We fought longer than that, for example, simply to get a courthouse to have a place to try the criminals in a reasonable length of time, so that the cases did not disappear under our noses.

Mr. **Walker**. Sure, there were certainly problems that surfaced in the initial stages of the south Florida Task Force, when the Vice President took a look at the situation, and Admiral Murphy went down to Florida. They found a shortage of courthouses, insufficient prosecutorial resources there, overcrowding in the jails. They found less than total coordination between the investigative agencies, and all of this had to be drawn together and galvanized into a working force, and much, much progress has been made.

Mr. **Fascell**. I agree with you that the task force has made great progress on this issue by focusing its efforts and capabilities in south Florida.

The thing that worries us, and I am delighted to see your commitment here today, as far as the task force capability, whether expressed as a task force or national commitment, it is a permanent one.

Am I correct in that assumption?

Mr. **Walker**. Customs has taken steps under my direction to expand or to make permanent many of the gains that we have had in south Florida, to transfer personnel down to south Florida to replace those that were temporarily assigned down there, and we will be increasing our commitment of resources into south Florida. We certainly hope the joint DEA and Customs task group continues.

Mr. **Fascell**. I certainly hope so, Mr. Secretary. There is great concern on my part and many others in south Florida, that as the task force gets a handle on this problem better and better, and there is a dispersal of the trafficking in other areas of the country, by natural events, that there will be a tendency to let the matters go to the agencies that have the direct responsibility without the task force concept.

We think that would be a mistake.

Mr. **Walker**. We would think it would be unwise to pull back our commitment in south Florida, because, as soon as we do that, the smugglers will come right back in there.

Mr. **Fascell**. We have learned a great deal from that operation.

Mr. **Walker**. Because of its geographical configuration, as soon as one relaxes in south Florida, the problem is going to reassert itself there.

Mr. **Fascell**. Two more questions, Mr. Chairman.

In the past, we had very effective cooperation from IRS, in terms of making those kinds of cases that really gets at where the money is going, and because of changes in administration policy, back, I believe in President Nixon's days, and for many other reasons, IRS began to take the position that they were not law enforcement people in that sense, and they were going to stick strictly to the question of what they are supposed to be doing on taxes.

Yet the truth of the matter is that we have a great investigative capability, and a great capability with IRS to make the kind of cases that would stick, and I remember discussing this matter with one Attorney General, who found it necessary to reach actual written agreements between the IRS and the Attorney General's Office in order to permit the agencies to carry on a cooperative effort and get the instructions out to the field investigators of IRS to do the kind of work that would be backed up all the way to the Washington level.

Can you tell us what the situation is with respect to the relationship now that exists in terms of IRS capability bearing on this particular issue, that is, narcotic trafficking?

Mr. **Walker**. I am very pleased to be able to report to this committee that the commitment of the IRS in the area of drug trafficking, in terms of both tax cases, going after assets of drug traffickers, is at its all-time high today. Fully 20 to 25 percent of the investigative resources of the IRS are devoted to drug trafficking.

They have a large number of cases opened against drug traffickers.

In south Florida alone, Operation Greenback, which is a joint Customs/IRS/DEA/FBI effort down there, targeting money laundering and related tax offenses, IRS has a commitment of 25 agents to that particular operation alone. So I think that we can—and I would be happy to—provide details to you in terms of the numbers of investigations they have got open and the percentages which I believe are accurate of the commitment of IRS to the drug-trafficking problem.

You would be very pleased with the information we have on that.

Mr. **Fascell**. If the chairman would agree, we would be pleased to have it.

Mr. **English**. No objection.

[The information follows:]

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INTERNAL REVENUE SERVICE

SUMMARY OF ACCOMPLISHMENTS IN REDUCING DRUG TRAFFICKING

January 1981 through June 1982

The Internal Revenue Service is committed to devoting substantial resources to the investigation of narcotics trafficking, not only because of the significant amount of unreported income involved, but also to maintain public confidence in their perception that the tax laws are administered equitably.

The Service's High-Level Drug Leaders Project (HLDL) focuses on upper echelon drug traffickers and/or financiers who commit tax violations. In addition to the income tax provisions, the Service is actively involved in Title 31 investigations involving currency violations (Bank Secrecy Act). These investigations include money laundering specialists and corrupt bank officials who are laundering millions of dollars in drug proceeds through banks and other financial institutions. These investigative efforts are in cooperation with U.S. Customs Service, the Drug Enforcement Administration (DEA), and the Department of Justice.

In July 1976, the IRS entered into a Memorandum of Understanding with the DEA which set forth the roles of the agencies in a joint cooperative effort to identify and investigate high-level narcotics targets. In July 1980, this agreement was modified in order to promote a better relationship between the two agencies. The need to cooperate by sharing information, as allowed by law, and to conduct joint criminal investigations was stressed to the respective field personnel. The Memorandum also reaffirmed a joint commitment for an effective effort by both agencies against major narcotics traffickers who also violate the tax laws.

The current emphasis the Service places on joint IRS/DEA investigations has prompted the need for further change of this agreement. Procedural modifications are presently under consideration by both agencies. It is expected that these changes will further promote effective and efficient tax enforcement on narcotics violators.

To further enhance the spirit of cooperation among the other Federal law enforcement agencies involved with combatting the narcotics epidemic, IRS has initiated a Memorandum of Understanding with the Federal Bureau of Investigation (FBI).

The draft agreement is currently under review by the FBI. This Memorandum of Understanding specifically addresses the identification and prosecution of money-laundering specialists. When implemented, this agreement should enable the agencies to coordinate their investigative activities, share information when not precluded by statute, and to avoid duplication of efforts.

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Our inventory of narcotics cases under criminal investigation has continued to increase from 300 cases at the close of the FY 1979 to 862 cases as of April 1982. The number of investigations resulting in prosecution recommendations also has increased substantially from 49 in FY 1980 to 170 in FY 1981. For FY 1982, through April, 173 prosecution cases have been completed. In the civil area, the number of examinations in inventory increased from 2,102 at the close of FY 1980 to 2,559 as of April 1982. The Service's Criminal Investigation Division has more than doubled its expenditure of resources for narcotics investigations, from 232 staff-years in FY 1980 to over 500 staff-years in FY 1981, and through April 1982 we have expended 314 special agent staff-years which projects to 538 staff-years for the entire fiscal year.

During FY 1981, taxes totalling $114.2 million were assessed as a result of our narcotics traffickers program. During the first six months of FY 1982, $96.5 million has been assessed.

The currency reports, generated as a result of the Bank Secrecy Act reporting requirements, are being used to help identify and convict narcotics traffickers on tax charges in all parts of the country. The reports help identify bank accounts and specific transactions which are needed to complete the financial investigations. Also by identifying bank accounts, any ultimate seizures of assets can, at times, be enhanced.

The most significant single law enforcement effort developed to date from the Bank Secrecy Act reporting requirements has been "Operation Greenback". The Service currently has 24 Special Agent criminal investigators assigned to the project and an additional seven Revenue Agents are assigned to assist in grand jury investigations. Through April 1982, of the 135 cases authorized by Treasury, the Jacksonville Florida District has initiated 125 criminal investigations which resulted in 48 indictments. These cases primarily involved the laundering of illegally generated profits, substantially from narcotics trafficking. The substantive violations in most cases are Title 31 and related offenses, i.e., conspiracy.

It should be noted that of the 862 narcotics program cases in inventory nationwide, 413 are being investigated in conjunction with Federal grand jury proceedings. Most of the 413 grand jury cases are being conducted jointly with DEA and/or Customs. DEA and Customs investigate narcotics aspects; IRS pursues tax violations. By combining the two areas of expertise, evidence of the source of funds can be coupled with the accumulation of assets, thus improving the chances for successful prosecution.

In FY 1981, 50 individuals in our narcotics project were convicted on tax and other related charges. Thirty-nine were sentenced, resulting in 74% (29) receiving prison sentences totalling 1397 months in prison. This converts to an average of 35 months in prison. For the first seven months of FY 1982, 44 individuals were convicted and 53 received sentences averaging 66 months in prison. In addition, $1,149,000 in fines were ordered by the courts, which averages $21,679 per individual.

Many high-level narcotics traffickers or financiers are in reality immune from prosecution of their substantive illegal activities because of the level of insulation they maintain. The IRS through its investigation of tax and currency violations is helping to fill that void.

Mr. **Fascell**. I know we need more money in terms of budget, and I am for it.

Do you see any additional legislation that is required to help us do a better job?

Mr. **Walker**. We do have pending some legislation now dealing with the Bank Secrecy Act, which gets into the whole area of the financial investigations which you have just described and we would like to see some improvements made on that score. We would like to make an attempt to transport unreported currency out of the country a crime, compensate informants to a greater degree, and make other improvements in that area.

That would be one very helpful way in which the subcommittee could assist us.

Mr. **Fascell**. Thank you.

Mr. **English**. Thank you, Mr. Fascell.

Once again, I am afraid we are going to have to recess for a few minutes. We do have a vote.

[Recess taken.]

Mr. **English**. Mr. Secretary, we have had an awful lot of task forces in the past as Mr. Fascell was pointing out. Why does this particular task force seem to be having more success than those in the past?

Mr. **Walker**. Mr. Chairman, I think the first reason that comes to mind is the extremely high threat level that has existed in Florida, and was present there when the operation began.

Also, with this task force, we had the full support and encouragement of the President, and, in particular, the Vice President. So we had a very high level of visibility to this task force, and a high level of attention.

This enabled us to achieve the kind of cooperation that we have been talking about this morning, I think, at a much more rapid rate than might have otherwise been the case where, while the people who would be cooperating would want to cooperate, they would have to justify their efforts to the people higher up in their organizations. In this case, the orders were coming from on high.

I think a great deal of credit has to be given here to the military for their support and cooperation and coordination that they have provided.

There has also been, I think, a heightened responsiveness from the State and local law enforcement in this task force.

As far as the military is concerned, we have had really a tenfold increase in air support resources, and we have had the use of E2-C and E2-B aircraft.

This has had a significant effect in stopping air smuggling and as a deterrent to those who would be smuggling into south Florida.

As far as Customs is concerned, Customs has been given the opportunity now in this task force to utilize fully their interdiction and investigative personnel in an integrated manner that has helped fill the void at the border in Florida which previously existed.

I cannot emphasize enough the importance of having Customs involved in investigating drug cases, because of the intelligence, the specific smuggling related intelligence that is needed for those investigations.

Customs has been permitted to do this work, and this has contributed greatly to the success of the operation.

It also allows, by the way, Customs to merge their information and intelligence that they get from their traditional financial investigations with the information that we are getting from the substantive drug investigation, so that they have a better picture of the overall traffic, not only the supply of drugs, but also the flow of money and the relationship between the two.

Unlike other task forces, Operation Florida really is a model which illustrates the most successful Federal drug enforcement effort that we have seen in recent years.

A very important component part of this effort, and it is one that we just started recently, is with the Bureau of Alcohol, Tobacco and Firearms, because, as we all know, the use of machine guns, illegally obtained firearms, is a central part of drug trafficking.

The ATF contingent has only been operational down there since the end of July. There was an advance group that went down initially to do a lot of preliminary work, and currently that agency has 86 investigations underway, and in the short time that they have been there, less than 3 weeks, they have purchased 90 firearms, including 8 machine guns, silencers and sawed-off shotguns, and made or participated in 18 arrests in as many days that they have been involved.

So this is another example of an effort that is being made. A coordinated effort between ATF and DEA is underway.

Beyond all of this, though, there is a spirit of commitment to working on the drug problem and the crime problem in south Florida that is at a uniquely high level, and I think that this more than anything contributes to the success of the task force, and I think that a great deal of the credit for this has to go to the Vice President, and to Admiral Murphy, his able Chief of Staff, in giving the leadership that is required here.

Mr. **English**. Regarding the E2–C's, does that also provide surface information to your Marine division as well as to the Coast Guard?

Mr. **Walker**. It does supply some, but it is not—that is not its primary mission.

I am going to defer, though, to Mr. Corcoran.

Mr. **Corcoran**. We have utilized it in some instances on attempting to locate the vessels and low-flying aircraft on the drops, but primarily we have worked with them, targeting aircraft as opposed to the vessels.

Mr. **English**. Perhaps it is a question better suited for the Navy. What you are saying is that it obviously has the ability to do that?

Mr. **Corcoran**. The E2–C does; not the E2–B.

Mr. **English**. Does it also provide that information to the Coast Guard?

Mr. **Corcoran**. I am not aware, except on an ad hoc basis, except where they would spot a vessel out in the Coast Guard area, but I know that it has happened. I know that the Coast Guard has been called in by aircraft that have been spotted by vessels. Whether it was E2–C or our aircraft, I am not sure.

The capability is there, and they would do it if they were on-station.

Mr. **English**. What is Customs doing to make permanent the task force capability in south Florida?

Mr. **Walker**. Customs has targeted a number of positions for the allocation of permanent resources to south Florida.

Customs has already put in a hundred additional patrol this year on a permanent basis, and we are now looking at additional patrols. We are looking at investigative and inspector resources to add to our commitment in south Florida on a permanent basis.

We expect that that will approximate 100 additional people.

We would probably retain some of the temporary details that we have, although many of the temporary details will be replaced by permanent personnel in order to maintain a level of flexibility that we need nationally, but we are definitely looking to make permanent the gains that we have had in south Florida.

Mr. **English**. One last question, Mr. Secretary. I know that Customs would like to be given authority to collect intelligence and conduct drug-smuggling investigations along the border. Could you state once again for the record why you feel that is necessary?

Mr. **Walker**. The need for this goes to the heart of the Customs mission.

Customs is responsible largely for the interdiction of contraband coming into the country, and particularly we are talking about drugs, so Customs needs to know the modus operandi that are utilized by drug smugglers.

It needs to know the techniques, the ways in which the drugs are brought into the country. It needs to know who is involved, the origins on the international side of the conspiracies involved, and this can be obtained to a great degree by the kinds of investigations that Customs is oriented toward.

The Administrator of DEA has testified that DEA's primary mission is focused only on domestic conspiracies.

If they can develop the domestic conspiracies, then they are meeting their mission. They also have a focus on international source of drugs, trying to investigate those cases.

DEA has never claimed this emphasis at the border and investigating the modus operandi of drug smugglers.

Customs would like to be able to investigate these cases, not the domestic cases, but the border cases, in order to determine the techniques that are used by smugglers.

For instance, if a person is coming into Miami Airport with a suitcase with a false bottom in it containing cocaine, Customs would be very interested not in just arresting this person, and talking to the person in terms of who the person is going to deliver the drugs to, but finding out where the drugs came from, what are the techniques, has the person been coming in on prior occasions, what kinds of instructions is he operating under, what kind of luggage is this person using; are there particular kinds of luggage that are more susceptible to false bottoms than other kinds.

With that kind of information, Customs can come in and inform its inspectors what to look out for, particular kinds of luggage, particular kinds of tickets.

This is the kind of information that we are looking for.

Mr. English. Thank you very much. We are very happy to have the father of posse comitatus changes that took place last year, Mr. Bennett, with us.

Mr. Bennett. I will wait until—can I ask questions at that point?

Mr. English. We were going to excuse Mr. Walker.

Mr. Bennett. Oh, I see.

I have two or three questions.

Do you think there is anything further that the Navy can do that it is not already doing, bearing in mind that the Navy is not impeded in doing anything by this law?

We put in a provision that says that nothing in the law we passed last year would take away the inherent statutory powers of the Navy, and the Navy has complete power.

Is there anything that you know of that the Navy could do, not worrying about regulations or anything, is there anything that we need to do? Because I would like to put pressure on the DOD, if I could, to amend their regulations, which is the only thing that is holding up complete action. But they are doing a pretty thorough job now.

They are putting Coast Guard people on Navy ships. Since they have done that, what else do we need to do?

Mr. Walker. They are towing vessels for the Coast Guard to enable Coast Guard people to stay on station.

They are refueling Coast Guard vessels and providing us with radar aircraft; so I think that the Navy is doing everything they can at the present time.

Mr. Bennett. At the moment, at least, you are not advocating any change of law or regulation?

Mr. Walker. I am not aware of any major problem.

Mr. Bennett. Impediment?

The Navy officers or even enlisted men could arrest, but we now have Coast Guard people onboard, and that by DOD regulation is permitted.

Mr. Walker. If we had the Coast Guard on Navy vessels, then I think the Coast Guard can make the arrest.

One gets into a policy question in that area.

If the Navy is actually conducting arrests, then that raises issues which we would rather not face.

Mr. Bennett. I am trying to face them.

There is no virtue to the original posse comitatus law at all.

We have attributed virtue to it that never existed.

That being the case, though, do you feel that there is any real reason to change now because, as a practical matter, it is a good thing to have the Coast Guard people who are specialists, and it has worked pretty well?

Mr. Walker. Right.

Mr. Bennett. Is there anything with regard to the air Force and Army? Now, they are impeded by the posse comitatus laws, because the law was passed for the Army and, by osmosis, it applies to the Air Force, and, as a matter of law, it probably does.

Mr. Walker. I think there were restrictions that have been modified under posse comitatus, and the point now to focus on is:

The more any kind of institutional reluctance based on habit in the military——

Mr. **Bennett**. I want to break the habit because the habit has no virtue.

In other words, we ought to kick that habit and fight drugs. We ought not to be held up by some presupposition that the comitatus statute of 1878 came out of an era of virtue.

The next thing I am interested in, and have been from the very beginning, and I talked to the President about it at some length, and that is, not tying it down to a narrow area. There are some virtues in having a task force in Miami, but I was discouraged it started off only a thrust from a Miami task force.

The drug people, even dumb people, can figure out if you concentrate on one place, they can go someplace else.

I even tried to protect in the debate the Rio Grande area.

As we become successful in Florida, they will go somewhere else. My apprehensions may not be well-founded, and maybe there is no real problem, but from the very beginning, I asked, why have just a south Florida drug-fighting thing? Why not have a national dedication to keeping out drugs and also a national dedication to stamping it out in this country? Is there a problem there that could be handled?

Mr. **Walker**. That is one of the things that has been brought out by the chairman and the other members here at this hearing; that we are now turning our attention to developing a national strategy based upon the lessons that we have learned from south Florida.

Mr. **Bennett**. I hope it will be national and not just limping into it by first taking in the Northeast and then the Great Lakes, et cetera. I think it ought to be national, to begin with.

Mr. **Walker**. I made a commitment today that Customs has started an air interdiction national strategy.

Mr. **Bennett**. Then the opponents don't know where you are going to strike.

You are not going to announce we are now going to be working in the Northeast or the Missouri River. You may not have the personnel to do it everywhere, but they won't know whether you are going to have the personnel or not.

Mr. **Walker**. Right.

Mr. **English**. Thank you very much, Mr. Bennett. There is one exception. We are going to pay particular close attention to the Red River.

Mr. **Bennett**. Anything red is to be suspect.

Mr. **English**. It is that division between Oklahoma and "Baja Oklahoma" down south. It gets a little bit dry this time of year, but that is the one area we will single out, but everything else is national, I want to assure you.

Counsel was pointing out to me, Mr. Walker, that we do have additional questions we do not have time for today. We would like to submit those to you in writing, for the record.

I want to thank you again for your cooperation with this subcommittee. You have been extremely helpful to us, and we are looking forward to working with you in the future.

Mr. **Walker**. Thank you very much, Mr. English, and I couldn't agree more with the need to work together.

[Submissions to additional subcommittee questions follow:]

Question. Do you currently have the capability to identify, interdict and seize aircraft in this Region? (refers to southwest)

Answer. Customs air interdiction strategy is based upon mobility and flexibility. Permanent Customs resources (personnel and equipment) are established at several strategically-placed air branches in Texas, Arizona, New Mexico and southern California, along the U.S./Mexican Border. Through the cooperation of FAA and the military radar installations and the strengthened detection capability provided by periodic patrols of the special radar platforms, E-2B/C and E-3A, Customs is in a more effective position to identify the suspect intruder aircraft nationwide.

Implementation of the National Air Strategy and improved tactics, has been accomplished in the southeast and forthcoming with the fiscal year 1984 proposal to implement a second Module.

Question. What benefit would be derived from a national air threat analysis?

Answer. The Customs Air Program has an established quarterly threat analysis under its Strategic Intelligence System. The system collects data on air smuggling indicators, i.e., suspect aircraft intrusions; seizures of aircraft related to narcotics smuggling; thefts of aircraft; aircraft crashes and lookouts. The analysis provides a view of the distribution of such smuggling activity and provides management an opportunity to identify decreases or increases of the threat for appropriate reevaluation of resource placement. The last comprehensive air threat analysis was conducted by SRI International in October 1979. A new indepth assessment would certainly be beneficial to the overall strategy of the Customs Air Program.

Question. What assistance has EPIC provided to the Task Force in South Florida?

Answer. EPIC has furnished support to South Florida interdiction efforts through two specific programs:

1. Operation Sofocar Trampa (formerly Tiburon—marine smuggling oriented intelligence.
2. Operation Tigre—tactical air smuggling intelligence.

EPIC's support relative to investigative needs concerning Operation Florida has been limited due apparently to lack of investigative analysis.

Question. What does the latest threat analysis indicate relative to smuggling by vessel?

Answer. The smuggling of drugs has become and is expected to continue to be staggeringly profitable. The prospects of enormous profits have traditionally encouraged smugglers to discover new smuggling techniques and routes as well as develop alternate sources. However, Latin American countries continue to be the primary sources of marijuana being smuggled into the United States by vessel. During the last several years southern Florida and the coasts of the Gulf of Mexico have been the primary penetration points for these vessel smuggling operations. Major multiton seizures continue to be made in these areas, and have also been made recently in the Pacific Northwest as well as the mid-Atlantic and New England coasts.

While impressive seizures continue to be made, it should be emphasized that to continue the effectiveness of marine operations it is necessary to increase and maintain our ongoing emphasis on additional cooperative DOD and other Federal agency efforts to combat marine smuggling operations. These efforts will be geared toward the interdiction and prosecution of persons involved in shoreside narcotic smuggling and distribution conspiracies.

To assist the Customs Service in the interdiction of motherships, expansive planning has also been initiated with the U.S. Navy to conduct covert surveillances through the use of their submarine capabilities.

These endeavors will not only deprive the smuggling community of valuable assets for transportation when seized, but will also provide millions of dollars in assets to the U.S. Treasury.

Question. How does Customs address the airdrop of narcotics contraband from smuggler aircraft to vessels for either immediate transshipment to the United States or island stockpiling for later transshipment.

Answer. Although this smuggler tactic is not new, there has been an increase in the frequency that it has been employed. When smugglers change their method of transportation enroute to the United States, this necessarily complicates the enforcement response that must be initiated. Specifically, the detection and tracking phases of an interdiction effort become more difficult. In instances where Customs air interdiction assets have acquired an air target which performs an airdrop, location and amount of contraband estimates are passed to those Customs and other law enforcement elements with a marine interdiction capability. Unfortunately, Cus-

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toms smuggler vessel detection and tracking systems currently do not approach the sophistication of similar existing systems for air smugglers.

Customs is interested in exploring with the Department of Defense what military systems might be available to upgrade marine smuggling detection and tracking. This would include every level of detection and tracking from visual observation (preferably covert) through radar (both air and vessel platforms) to other special techniques.

In addition, Customs is interested in the tactical deployment of "trip-wire" marine sensor systems permitting sufficient lead time for the dispatching of Customs tactical air and marine interdiction units for close-in (off-loading) enforcement actions. This lead time permits Customs not only to choose the time and location of its interdiction action, but also to marshall sufficient overwhelming interdiction resources to discourage smuggler resistance.

Question. Has there been any significant increase or change in the cocaine air smuggling methods to other parts of the country?

Answer. There have been some significant cases outside of the state of Florida indicating some displacement. For example:

March 1982, Bimini Islands, 515 pounds.

May 1982, New Iberia, LA, 1,100 pounds.

June 1982, New Mexico, 214 pounds.

June 1982, Long Island, N.Y., 606 pounds.

Question. What is Customs doing to monitor and/or respond to the air smuggling threat on the Gulf Coast, Texas and Southwest Border?

Answer. Customs is working closely with DOD to provide detection capability across the entire southern border. We have increased our permanent employment ceiling in south Florida to preclude us from depleting other Louisiana, Texas and southwest border air interdiction resources.

Question. Has Customs increased their air interdiction capabilities through the use of the U.S. Air Force E-3A(AWACS) equipment?

Answer. Yes. We recently established a long range schedule to increase detection coverage by the E-3A with emphasis outside the Florida area. To date we have participated in approximately 5-10 missions with an identified potential for positive results.

Mr. BENNETT. Before he leaves, I want to express—I am sure for all of us, Members of Congress and parents and citizens—how deeply grateful we are for the efforts you are making. It is perfectly wonderful the way the American leadership has put their shoulders to the wheel, and I don't want you to escape from this room without me complimenting you.

Mr. WALKER. Thank you very much.

Mr. ENGLISH. Thank you, Mr. Walker.

Our next witnesses will be representatives from the Army, Navy, and Air Force.

We will break after this panel is completed, and this afternoon we will have our principal representative from the Department of Defense.

Our witnesses are Mr. Tidal W. McCoy, who is the Assistant Secretary for Manpower and Reserve Affairs with the Department of the Air Force; Mr. J. Ronald Denney, Acting Assistant Secretary for Manpower, Reserve Affairs, Department of Navy, and Mr. Patrick Hillier, who is the Acting Assistant Secretary for Installations, Logistics and Financial Management with the Department of the Army.

You may summarize your statements, if you like.

We will start with Mr. McCoy, from the Air Force.

STATEMENT OF TIDAL W. McCOY, ASSISTANT SECRETARY FOR MANPOWER, RESERVE AFFAIRS, AND INSTALLATION, DEPARTMENT OF THE AIR FORCE, ACCOMPANIED BY LT. COL. JOSEPH T. ZADAREKY

Mr. McCoy. We certainly appreciate the opportunity to testify before your subcommittee this morning and be part of an ongoing effort of the national commitment to fight the importation of illegal drugs into this country.

I do have a short statement, and I will read some excerpts from that and ask if the entire statement could be submitted for the record.

Mr. English. That will be fine.

Mr. McCoy. The Air Force's efforts in this area are not new. Since 1974, the ground radars and command centers of the North American Aerospace Defense Command—NORAD—have been supporting the U.S. Customs Service in combating smuggling by air across the borders of the United States. In 1978, the Air Force trained customs agents who began flying on the E3-A. The majority of this early support was concentrated in the Southwestern United States and was provided on a noninterference basis.

With the passage of the revised Posse Comitatus Act and implementation of the Vice President's South Florida Task Force, the Air Force role expanded into a more active phase.

Scheduled E3-A flights were made available to Customs on a case-by-case basis. We have had large numbers of missions flown with customs agents and large numbers of tracks that have been made, and a number of intercepts which have resulted from that particular activity.

Between the 1st and 13th of this month, customs has requested support from six E3-A missions. Of these, one canceled; three flew in the Texas area and two flew in the Gulf of Mexico, south of Pensacola, Fla.

The Air Force is also using its long-range radar from other systems to support civilian law enforcement agencies. The air staff has reviewed and approved a letter of agreement between the Federal Aviation Administration, Headquarters Tactical Air Command and the U.S. Customs Service that grants access to all 46 joint surveillance system radars to U.S. customs agents. We anticipate this will facilitate the Customs Service's efforts by allowing them to rapidly relocate, when needed, as the area of interest changes, and they are thereby able to more flexibly deploy their forces.

The aerostat system at Cudjoe Key, Fla., continues to support the U.S. Coast Guard and the Customs Service. The Coast Guard operation is expected to expand with nine Coast Guard personnel on station by October 1 of this year. The Customs Service has also moved a contingent of personnel along with some radio equipment to Cudjoe Key, where they are using surveillance data from the aerostat to monitor the air picture and control customs aircraft.

We began our study last week. Tomorrow, on the 19th, we have sort of asked Ma Bell to speed up their efforts to put in a hot-line type of special line from Cudjoe Key to the command center in Miami, and that will be done tomorrow, we have been told is the date for the completion of that, to help facilitate the transmission of information to the aerostat radar to the command and control center in Miami.

We are going to move to improve our efforts across the board, both dealing with local and State officials as well as the Federal Government agencies in enforcing the law, improving our capability to help them deploy their assets in such a way that we give them every possible support that we can within the revised Posse Comitatus Act.

The Air Force is still providing information from the Tyndall NORAD Control Center—TNCC—in Panama City, Fla., to the Customs Command, Control and Communications--C3—facility in Miami.

The TNCC correlates and identifies the surveillance information provided from the eight air defense surveillance radars located in Florida. Whenever the Air Force is unable to identify an aircraft, Customs is notified, and they use the same information we provide to our Air Force interceptors to make a Customs intercept of the unidentified aircraft. At other times, we provide information on requested aircraft tracks directly to Customs.

Plans for deploying an aerostat system at Cape Canaveral are progressing. An Air Force operational concept has been developed, a site survey completed, and a draft program management document has been written. Of course, successful initiation of this capability at Cape Canaveral will be contingent on funding availability, a matter we are diligently working on. It will take a minimum of 10 months after procurement beings until we have an operational capability at Cape Canaveral.

As you know, we have a $3 million reprograming that is through the House Appropriations Committee, and in the Senate Appropriations Committee, and should be out soon. That $3 million should be for providing a full capability at Cudjoe Key.

I have talked to the Assistant Vice Chief of Staff this morning, and he has assured me money will be forthcoming quickly from another program that we can take some money from to make sure that we have the money quickly, and that we can go forward with a capability of one radar and one balloon at Patrick Air Force Base to help out in that particular area.

The Air Force is also assisting the Customs Service in developing their own mobile aerostat capability. The Tactical Air Command's Programming Office at Patrick Air Force Base will assist Customs in a technical evaluation of the system at Patrick Air Force Base beginning in November 1982. The test was originally planned for June, but contractor problems have necessitated a slip to November.

The Air Force plan for implementing the revised Posse Comitatus Act is well underway. The staff has written a draft of a new Air Force regulation that provides policies and procedures to be followed concerning support provided to Federal, State, and local civilian law enforcement agencies. The draft is now in the coordination process.

It is expected that the regulation will be distributed in late September. In the meantime, copies of the DOD Directive 5525.5: DOD Cooperation With Civilian Law Enforcement Officials, and the draft Air Force regulation have been sent to major air commands for interim use pending receipt of the published regulation. We have sent messages to get our word out to our major commanders, what we expect and hope to do and what our strong commitment to this program is.

We intend to follow through.

At an October meeting of all the four-star officers in the Air Force, the semiannual CORONA meetings, we will have a discussion with them on what the desires of the Congress and the administration are in this respect, and make sure that the guidance is communicated, and that the plans are followed through once they are formulated in Washington and communicated to those major commanders.

The Air Force will continue to actively support requests for assistance from civilian law enforcement agencies within the guidance provided by DOD.

Mr. Chairman, this concludes my statement. I will be pleased to answer any questions that you have.

[Mr. McCoy's prepared statement follows:]

DEPARTMENT OF THE AIR FORCE

PRESENTATION TO THE HOUSE GOVERNMENT OPERATIONS COMMITTEE SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS

SUBJECT: Military Support of Civil Law Enforcement Agencies

STATEMENT OF: TIDAL W. MCCOY
Assistant Secretary of the Air Force
Manpower, Reserve Affairs and Installation

Not for Publication Until Released
by the House Government Operations Committee
Subcommittee on Government Information and Individual Rights
House of Representatives

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MR CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Mr Chairman and Members of the Committee, it is my pleasure to be here this morning to present an update of the Air Force's involvement in supporting civilian law enforcement agencies.

The Air Force's efforts in this area are not new. Since 1974, the ground radars and command centers of the North American Aerospace Defense Command (NORAD) have been supporting the United States Customs Service in combating smuggling by air across the borders of the United States. In 1978, the Air Force trained Customs agents who began flying on the E-3A. The majority of this early support was concentrated in the southwestern United States and was provided on a noninterference basis.

With the passage of the revised Posse Comitatus Act and implementation of the Vice President's South Florida Task Force, the Air Force role expanded into a more active phase when it was tasked to back-up a Navy/E-2 operation supporting Customs. Active ~~E-3A~~ participation in the task force commenced in May 1982. Scheduled E-3A flights were made available to Customs on a case-by-case basis. Beginning this past June, the E-3A monthly flying schedule was made available to the Customs Service. They then selected E-3A missions that were flying in areas and at times they deemed were most favorable for interdicting drug smugglers.

In July 1982, 25 E-3A missions were offered and Customs utilized five. One intercept was conducted on a multiple aircraft track of interest in the Texas area. Also, beginning in July, Customs reinitiated assignment of personnel to Tinker AFB on a temporary, rotational basis. When available, Customs agents are scheduled on board the E-3A for missions of interest to them.

Between the first and thirteenth of this month, Customs has requested support from six E-3A missions. Of these, one cancelled; three flew in the Texas area and two flew in the Gulf of Mexico, south of Pensacola, Florida.

The Air Force is also using its long range radar from other systems to support civilian law enforcement agencies. The Air Staff has reviewed and approved a letter of agreement between the Federal Aviation Administration, HQ Tactical Air Command and the United States Customs Service that grants access to all 46 Joint Surveillance System radars to US Customs agents. We anticipate this will facilitate the Customs Service's efforts by allowing them to rapidly relocate, when needed, as the area of interest changes.

The aerostat system at Cudjoe Key, Florida continues to support the United States Coast Guard and the Customs Service. The Coast Guard operation is expected to expand with nine Coast Guard personnel on station by 1 Oct of this year. The

Customs Service has also moved a contingent of personnel along with some radio equipment to Cudjoe Key where they are using surveillance data from the aerostat to monitor the air picture and control Customs aircraft.

The Air Force is still providing information from the Tyndall NORAD Control Center (TNCC) in Panama City, Florida to the Customs Command, Control and Communications (C^3) facility in Miami. The TNCC correlates and identifies the surveillance information provided from the eight air defense surveillance radars located in Florida. Whenever the Air Force is unable to identify an aircraft, Customs is notified and they use the same information we provide to our Air Force interceptors to make a Customs intercept of the unidentified aircraft. At other times, we provide information on requested aircraft tracks directly to Customs.

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The Air Force will continue to actively support requests for assistance from civilian law enforcement agencies within the guidance provided by DOD. Mr. Chairman, this concludes my statement; I will be pleased to answer any questions that you have.

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Mr. **English.** Mr. Denney?

STATEMENT OF J. RONALD DENNEY, PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS, DEPARTMENT OF THE NAVY, ACCOMPANIED BY CAPT. T. K. WHITTAKER, COMDR. T. HOOD, AND ROGER OUTER, OFFICE OF PROGRAM APPRAISAL

Mr. **Denney.** I will condense my remarks and submit the balance for the record.

Something I do want to say before specifically relating to the interdiction areas, Navy's own program on drugs and elimination of drugs has been a major commitment we have had for the last year.

It has been tremendously successful. Our interest in eliminating drugs for our young people throughout the United States is just as great as it is within our own Navy, and we are here to help out in any way we can.

Since 1978, we have been involved in cooperating with other agencies in the interdiction problem in south Florida and throughout the United States.

Last year, we provided 60 days of dedicated E2-C services in south Florida from mid-October to mid-December in support of the DEA interdiction operations during the marijuana harvest season.

Responding to growing national concern regarding the flood of illicit narcotics into the United States, the Congress passed a new law relating to the Posse Comitatus Act in December 1981. Last winter, the President charged Vice President Bush with heading up a task force to attack rampant criminal activity in south Florida. In response to task force initiatives, the Navy has become increasingly active in providing assistance to law enforcement agencies.

Principally, this support has consisted of providing E-2 air surveillance flights in the south Florida area, revitalizing the high interest vessel sighting/reporting program, providing opportune tows of vessels seized by the U.S. Coast Guard, and transporting Coast Guard prisoners.

Last week, Navy began embarking Coast Guard boarding teams on selected Navy ships. To date, we have filled every request for support of the task force's south Florida initiatives.

DOD guidelines covering military cooperation with U.S. civilian law enforcement officials are set forth in DOD directive 5525.5. It states that it is the policy of the Department of Defense to cooperate with civilian law enforcement officials to the maximum extent practicable, consistent with the needs of national security and military preparedness, the historic tradition of limiting direct military involvement in civilian law enforcement activities, and the requirements of applicable law.

This guideline, and the text of 10 U.S.C. sections 371-378, have been distributed to the appropriate commands. We expect this directive to soon be supplemented with additional, specific OSD guidelines. In the interim, we are coordinating Navy guidance on this subject with ASD/MRA&L.

Requests from headquarters of Federal agencies for new support efforts normally go to the Secretary of Defense, through ASD/

MRA&L, to the Secretary of the Navy. After examining the operational and legal impact of such assistance, we relay our recommendation back through MRA&L, to the Secretary of Defense. The expanded scope of this support of civilian law enforcement facilities is new to us. We have not yet worked out all the mechanisms that may be needed to handle future requests from the many possible sources of requests for military assistance to civilian law enforcement agencies.

I should make it clear that both the Naval Investigative Service as well as our base commanders continue to work with law authorities as they have done in the past—at the local level—in solving crimes that affect our service.

Finally, the Department of the Navy instruction—SECNAVINS 5820.7A—on cooperation with civilian law enforcement officials is currently being updated. A proposed draft is currently under review within the Office of the Chief of Naval Operations.

It is certainly in the Navy's interest to help stem the flow of drugs into the United States At the same time, we are acutely aware of the potential threat to our own readiness and of legal implications of any contemplated action. As a consequence, we have been very careful in our approach.

Legal and operational considerations have been our primary guides in formulating relevant instructions. Coordination between the Department of the Navy, OSD, and the various Federal civilian agencies has been thorough.

The CINC's, the CNO, and the Secretary are briefed at regular intervals on this program. Our ongoing war on drugs within the Department of the Navy has been paying off. We would hope that the significant support we have been providing to the civilian enforcement agencies will also pay off.

Thank you for your attention. I will be pleased to answer any questions that you might have at this time.

[Mr. Denney's prepared statement follows:]

STATEMENT OF
MR. J. RONALD DENNEY
PRINCIPAL DEPUTY ASSISTANT SECRETARY FOR MANPOWER AND RESERVE AFFAIRS
DEPARTMENT OF THE NAVY
BEFORE THE
SUBCOMMITTEE ON GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS
HOUSE COMMITTEE ON GOVERNMENT OPERATIONS

Mr. Chairman and Members of the Subcommittee:

I am here today to present the views of the Department of the Navy on the issue of Navy support to civilian law enforcement agencies.

In 1978, following a favorable Justice Department opinion, the U.S. Navy began providing limited support to various federal law enforcement agencies. Until recently, this support consisted primarily of participation in the U.S. Coast Guard's high interest vessel sighting and reporting program, local loan of surplus equipment and aircraft, occasional reserve and fleet P-3 and E-2 surveillance flights, access to shore-based radars, and radio direction finder support. Last year, we provided sixty days dedicated E-2C services in South Florida, from mid-October to mid-December 1981, in support of Drug Enforcement Administration interdiction operations during the marijuana harvest season.

Responding to growing national concern regarding the flood of illicit narcotics into the United States, the Congress passed a new law relating to the "Posse Comitatus Act" in December 1981. Last winter, the President charged Vice President Bush with heading up a Task Force to attack rampant criminal activity in South Florida. In response to Task Force initiatives, the Navy has become increasingly active in providing assistance to law enforcement agencies. Principally, this support has consisted of providing E-2 air surveillance flights in the South Florida area, revitalizing the high interest vessel sighting/reporting program, providing opportune tows of vessels seized by the U.S. Coast Guard, and transporting Coast Guard prisoners. Last week, Navy began embarking Coast Guard boarding teams on selected Navy ships. To date, we have filled every request for support of the Task Force's South Florida initiatives.

DOD guidelines covering military cooperation with U.S. civilian law enforcement officials are set forth in DOD Directive 5525.5. It states that it is the policy of the Department of Defense to cooperate with civilian law enforcement officials to the maximum extent practicable, consistent with the needs of national security and military preparedness, the historic tradition of limiting direct military involvement in civilian law enforcement activities, and the requirements of applicable law. This guideline, and the text of 10 U.S.C. §§371-378, have been distributed to the appropriate commands. We expect this directive to soon be supplemented with additional, specific OSD guidelines. In the interim, we are coordinating Navy guidance on this subject with ASD/MRA&L.

The organizational structure for responding to federal agency requests is largely in place. Requests from Coast Guard, Customs, or Drug Enforcement Agency officials in the field, for assistance within established support programs such as I mentioned earlier, are handled by the appropriate CINCs or their designated representatives. This type of decentralized operation ensures rapid response. It also minimizes the risk that such assistance will adversely affect Navy readiness, since the local commander, responsible for that readiness, is in charge.

Requests from headquarters of federal agencies for new support efforts normally go to the Secretary of Defense, through ASD/MRA&L, to the Secretary of the Navy. After examining the operational and legal impact of such assistance, we relay our recommendation back through MRA&L, to the Secretary of Defense. The expanded scope of this support of civilian law enforcement facilities is new to us. We have not yet worked out all the mechanisms that may be needed to handle future requests from the many possible sources of requests for military assistance to civilian law enforcement agencies.

I should make it clear that both the Naval Investigative Service as well as our base commanders continue to work with law authorities as they have done in the past -- at the local level -- in solving crimes that effect our service.

Finally, the Department of the Navy instruction (SECNAVINST 5820.7A) on cooperation with civilian law enforcement officials is currently being updated. A proposed draft is currently under review within the Office of the Chief of Naval Operations.

It is certainly in the Navy's interest to help stem the flow of drugs into the United States. At the same time, we are acutely aware of the potential threat to our own readiness and of legal implications of any contemplated action. As a consequence, we have been very careful in our approach. Legal and operational considerations have been our primary guides in formulating relevant instructions. Coordination between the Department of the Navy, OSD, and the various federal civilian agencies has been thorough. The CINCs, the CNO, and the Secretary are briefed at regular intervals on this program. Our ongoing war on drugs within the Department of the Navy has been paying off. We would hope that the significant support we have been providing to the civilian enforcement agencies will also pay off.

Thank you for your attention. I will be pleased to answer any questions that you might have at this time.

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Mr. ENGLISH. Thank you very much.

Mr. Hillier.

STATEMENT OF PAT HILLIER, ACTING ASSISTANT SECRETARY OF THE ARMY FOR INSTALLATIONS, LOGISTICS AND FINANCIAL MANAGEMENT, ACCOMPANIED BY LT. COL. STUART GERALD, HQDA, ODCSCOG-DALO-AV

Mr. HILLIER. It is a pleasure for me to be here today to present our statement.

I have a brief statement I would like to read.

As you know, the Army, in conjunction with the other military departments, is charged with preserving the peace and security of the United States. When so directed, this includes support of national policies, implementing national objectives and thwarting any aggressive acts against the United States and its allies. To this end, we are organized, trained and equipped primarily for prompt and sustained combat operations on a global basis.

With this in mind, our individual and unit training programs are directed toward achieving a readiness posture capable of meeting the threat of global warfare. Although our training is primarily focused on fighting and winning conflicts, we are acutely aware that, when appropriate, some of our skills, expertise and equipment can assist civilian law enforcement agencies.

To that end, we are pleased to point out that the Army has a long history of cooperation with civilian law enforcement agencies. I would like to cite a few examples.

The U.S. Customs Service has used Army OV-1C Mohawk aircraft for over 11 years in their drug interdiction efforts.

In 1975 and 1976, we transferred a total of six UH-1B helicopters to Customs at no cost. Last year, we loaned Customs an additional four Cobra helicopters, and this year we are providing one of the Army's newest and most sophisticated helicopters, the UH-60 Blackhawk, for a 6-month operational test.

Last month, we concluded an agreement for the loan of generators and trucks to allow the Customs Service greater capability to move their mobile radar equipment.

Additionally, we loaned grenade launchers and UH-1H helicopters to the Drug Enforcement Administration and the Immigration and Naturalization Service has used eight Army OH-6A helicopters since 1980.

On the local level, the army recently agreed to loan military night vision equipment to Florida law enforcement officials. This will enable them to evaluate the utility of such equipment.

Last year, we agreed to train a few Macon County, Ga., police officers in specialized operations. Although Macon County later withdrew its request, we were willing to assist.

Mr. Chairman, these are not isolated examples. Rather, they are typical of the Army's attitude toward providing assistance within the framework established by the Secretary of Defense. The Army is consolidating in one document the guidance field commanders need to implement the policies of the Secretary of Defense. Pending publication of this document, the Army will provide interim

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guidance to local commanders to help them efficiently process requests from civilian law enforcement agencies.

Cooperative arrangements at the local level for the exchange of information, training and planning between the Army military police and local law enforcement officials will continue. These arrangements have served well both the military and civilian communities and no changes are required.

Mr. Chairman, the Army will continue to provide support to civilian law enforcement agencies within the guidelines established by the Secretary of Defense. I appreciate the opportunity to appear before this committee and shall be happy to answer any questions you may have.

Mr. English. Thank you very much.

Mr. McCoy, when will the balloon site at Patrick be operational?

Mr. McCoy. We have to identify the funding and get the reprograming. I think the reprograming will be a lot longer than the identification. We have already done the site surveying down there, and we know what kind of equipment we need to buy. We have some equipment we must buy, with respect to going sole-source or competitive, and that either lengthens or shortens the time by a month or two in order not to override our normal procedures and the proper way to do things.

I have read the previous testimony Mr. Juliana made in a previous hearing, 10 months was mentioned that we had hopes to achieve an operational capability.

I would not be candid if I said I thought we could do it within 10 months from the date he stated. I am not sure we can do it within 10 months from today. We are going to try to identify 1982 money rather than 1983, which will enable us to move out a lot more quickly, but we do have to make sure when we go in there, we go in there and have everything done properly.

We have to make sure we have got the people identified to go in there and operate it, and so forth.

We are working out of a couple different commands, different pots of money. It is a new type of thing for us in conjunction with different law enforcement, civilian agencies. Not outside of a year——

Mr. English. Not outside of a year from when?

Mr. McCoy. From today.

Mr. English. Twelve months from today, and it has been 3 months since Mr. Juliana made his commitment that it would be done within 10 months?

Mr. McCoy. That is correct.

Mr. English. So you are talking about 5 months beyond the commitment Mr. Juliana made to this Committee?

Mr. McCoy. That would be true. That would be my outside kind of estimate. We, of course, would like to do it. If we can do it in 8 months from today or 5 months from today, we will do that, but I am stating sometimes the procurement process and the money process goes a little bit longer than the commitment process.

It is easier to make a commitment sometimes than it is to make sure we follow through and do it properly. We can't take money and spend it, of course, without going through the normal congressional process.

Mr. **English**. Normal congressional process—what congressional process is necessary to reprogram the money for this project? Mr. Juliana did not tell us anything about any necessary congressional action. He was going to do it that afternoon. It was going to be done within 24 hours after he left that committee room.

What happened to the 24 hours?

Mr. **McCoy**. The actions that were required to be gotten underway in terms of notifying the services, telling people what the commitment was, were undertaken, I am sure, but, of course, we can't spend money that has not been appropriated for a particular item.

The $3 million which came over is identified for bringing Cudjoe Key up to a full operational capability 24 hours a day.

Mr. **English**. Why didn't Mr. Juliana point that out to us whenever he testified? Didn't he know that? He didn't know what your business is?

Mr. **McCoy**. He knows what our business is. He was hopeful that we would be able to perhaps achieve a way to find a specific set of money perhaps in the 1983 authorization bill, a certain amount of money that was specifically designated for this particular aerostat system.

Mr. **English**. It is in the 1983 authorization bill, because I put it there. Mr. Juliana did not tell me it was going to be necessary to put it in that bill. Of all the discussion we had, the Department of Defense did not feel like it was going to be necessary, and that was going to come out of 1982, not 1983.

Mr. **McCoy**. What ended up in the 1983 bill, the authorization conference, was an authorization to spend $10 million or thereabouts to do this, but that the actual money, itself, was not put in the bill. In other words, the money would have to come from another program, and that would require reprograming. When we began looking at the status of that 1983 action, knowing what the intent of the committee was, and knowing that it was a commitment that we made to do something in a hurry, we decided that rather than wait for the 1983 to work itself out in order to reprogram, because we really should not start any reprogramming action until the actual 1983 appropriation bill, itself, is completed, which would be perhaps sometime in October or November, we decided to keep faith with the commitment to the committee; we should go forth full amount in the 1982 reprogramming.

Mr. **English**. What is the cost per month of the Navy E2-C flights down in South Florida?

Mr. **McCoy**. That I am not sure. I would rather refer that to the Navy.

Mr. **English**. Well, I will tell you. Three hundred thousand dollars a month. You are telling us here that instead of the 10 months Mr. Juliana committed to 3 months ago, that we are looking at 12 months from today, which is nearly half a year beyond the commitment that was made to this committee? You are talking about $1.5 million that the Navy is going to have to pay while you are jockeying around over there, trying to figure out whether or not you want to come up with the money.

Mr. **McCoy**. We have made no bones about coming up with the money. We are held up by virtue of the fact we have to submit some documentation through OMB to Congress to achieve the reprograming.

The action might take place expeditiously or not so expeditiously over in the Congress in the appropriate committees that have to approve the reprogramings.

Of course, we will inform them of the urgency that we see in the request and hope we can get a quick reprograming.

If we do, the balloon may be operational as quickly as the original commitment.

I am trying to be candid as opposed to giving you what you would like to hear.

Mr. ENGLISH. I am trying to be candid, too, Mr. McCoy.

There are some very long leadtime items. You can't just go in there and buy them off the shelf next week. It takes time to manufacture them. They are very specialized pieces of equipment.

Part of what Mr. Juliana told us he was going to do was to go back, and he would begin the process of ordering, particularly the long leadtime items, so that those items could be in the process of manufacturing. That hasn't happened yet?

Mr. McCOY. I would rather, if I could, answer that for the record, or give you a call or letter.

That may have gone through some part of the Air Staff, and such articles may, in fact, have been ordered.

That I did not realize had been something he had promised to do specifically.

Mr. ENGLISH. I will be very interested, because, I will admit, I am very disappointed, particularly if that action has not been taken. You are talking about nearly half the cost of one of those Skyhooks that the Navy is going to spend while you all are jockeying around. It will be right at $4½ million spent on E2-C flights down there while you come up with that money to get that balloon in flight.

Mr. McCOY. That is a very good point. I will get that in our cover letter to the reprogramming, to try to expedite the process.

Mr. ENGLISH. I will ask Mr. Denney whether they have the money. Maybe we could have some more AWACS flights down in the south Florida area and take a little of the load off the Navy.

Are you prepared to do that?

Mr. McCOY. We are always prepared to have the aircraft in their training of crews, and so forth.

Mr. ENGLISH. What is the cost on the AWACS flight?

Mr. McCOY. Operational cost per hour is $2,000 or $3,000 an hour.

Mr. ENGLISH. It is $7,500 an hour. It is double what an E2-C is, so the Air Force would be running at about $600,000 to $700,000 a month?

Mr. McCOY. Right. Of course, a number of those training flights are going to occur, anyway, whether they are Navy or Air Force.

We prefer in the instance of that particular part of the air defense zone to use the aerostat balloon so we can use the AWACS to focus on the other parts of the United States and the Southwest, so we hope to be able to do both of those.

Mr. ENGLISH. I thought the AWACS flights were all based on the training mission that is necessary in that particular area. Depending on the number of fighters that you have in that area, if you don't have the fighters down there, all they are doing is wasting money.

Mr. McCoy. That is very true. We need to have the sorties that the AWACS operators can generate their training from.

Mr. English. How much training can you generate down in south Florida?

Mr. McCoy. We don't have the same assets there that we did in the Southwest.

Mr. English. All they will be doing is flying around drilling holes in the sky?

Mr. McCoy. There would be a lot less training in that part of the country; that is true.

Mr. English. What is the cost as compared to the regular training with supersonic fighters?

Mr. McCoy. There would be much less.

We do have some fighter assets in the Florida area which we would try to generate and use for the training for the AWACS and fighter crews.

The aerostat balloon and AWACS are oriented to a different part of the country. We don't mean to indicate by the estimate of the difference in time from what Mr. Juliana gave you, any less of a commitment. We only mean to indicate that we are trying to move out expeditiously and may, in fact, need the assistance of this committee to speed the reprograming of the money so we can then obligate it to buy the balloon and radar equipment.

Mr. English. You are kind of sliding this off on Congress. I think you are hiding behind that. There is no question about the dedication within Congress. The Congress has demonstrated its commitment to this particular approach, and they are there, and they are ready.

What it comes down to is whenever you are ready to move, that is when we are going to get it done. You are not too concerned about this whole thing; you are kind of taking your time on it. It is the Navy's misery as far as funding is concerned. It comes out of their hide, not the Air Force's hide. Perhaps you would be a bit more concerned if part of this burden was being shared by the Air Force. You would be a little more eager about meeting the commitment Mr. Juliana made.

The idea here is to utilize tax dollars as we can best utilize them, and that means sharing some of the overall effort the Department of Defense can bring forth in this area with civilian law enforcement, but it does not mean just waste it. But a commitment was made in this case, and I will be eager to get your letter on whether or not some of these long leadtime items have been ordered. If they have, I want to commend you for it, because that is important. The Navy would love to have you save a little time on that.

What is your procedure for the transfer of available intelligence to the civilian law enforcement community?

Mr. McCoy. We have at the State and local level, of course, our people that operate with our Office of Security Police.

I have worked with those State and local officials for a long period of time in terms of intelligence, or information on local criminal activity, on a local basis, and, more recently, of course, with the interests of a more national level commitment of forces to the drug war. We have begun doing the kind of thing where we are internetting the radars, joint surveillance system radars, together, and tactical information has passed from the AWACS aircraft when intercepts are obtained to the Customs Command Center, so that forces can be generated to deploy.

Mr. ENGLISH. This is down in Florida, though?

Mr. McCOY. The 46 joint surveillance systems radars are all around the periphery of the United States.

Mr. ENGLISH. They are turning this over to local Customs and local enforcement?

Mr. McCOY. They will be able to when the radar sites are internetted. The Customs people have the authority under the agreement to go into any of those sites and use that information, pick it up, and so forth.

We have a lot to do in terms of the overall coordination from all sources in terms of various categories of security that information comes from.

How exactly we transmit that to the different centers of intelligence in the law enforcement community, we are working on that now, and working with DOD to try to determine what kinds of categories of information we can pass, how quickly we can pass it on, who the best people are to use that in such a way that we neither waste the Government's time and money or compromise sources and methods of intelligence, but——

Mr. ENGLISH. What about other than radar?

Mr. McCOY. Sir, as you know, the national intelligence community as a community, including FBI, CIA, Treasury, the military services, and so forth, have various critical intelligence questions or various priorities that they put on getting intelligence.

Mr. ENGLISH. That is way up here in Washington floating around. The sheriff in Washita County doesn't get much information on that.

Let's assume we got a customs official that is down along the Texas border someplace, and let's assume you pick up some information that there may be some drugs coming his way, what do you do? Do you call him up on the phone and say, look, we think some hot stuff is coming your way?

Mr. McCOY. That is exactly what we do. Our people in the security police business, people that are at the local bases pick up an airman or someone who is involved in the drug business either as pusher or accuser and cooperate with the local law enforcement officials if they in turn are informed by a person that may be wearing an Air Force uniform, that I am getting drugs from so and so, and tonight they are bringing a big shipment across the border and we would share that information with the local law enforcement as well as DEA, customs personnel or, in the event of the south Florida area, the south Florida task force.

Mr. ENGLISH. Well, assume then that one of those AWACS planes is down there circling around south Texas on a regular routine operation and they see an aircraft coming across that appears to meet the profile Customs has given.

Mr. McCoy. That information is given to, as I understand it, that information is gotten back immediately to ground station, a ground site.

Mr. English. Let's assume I am the guy sitting here, and I am looking at the screen and I see something that looks like it meets that profile. I have a bunch of fighters, and I notice over here at the border somebody is trying to sneak across. How do I handle that?

Mr. McCoy. Let me ask Col. Joseph Zadareky who is in our operations, and the air staff to respond to that.

Colonel Zadareky. Normally if Customs has an interest in one of your AWAC sorties, they will notify us before our mission planning, identify their operation center that they would like the information passed to.

Mr. English. Is this done on every mission that AWACS flies along the border?

Colonel Zadareky. We provide Customs a list of the scheduled sorties that we are going to fly.

Mr. English. Are not a large number of your sorties unscheduled?

Colonel Zadareky. Most of our E3-A sorties are scheduled sorties. The contingency ones that are not normally scheduled are not flying in this country.

Mr. English. Everything that would be flown anywhere around the border, in south Florida, the gulf coast, or down anywhere along the southwestern border is all scheduled?

Colonel Zadareky. Yes, sir.

The large bulk, the majority, maybe a few occasional special cases where there would not be a last-minute contingency. We provide Customs a quarterly schedule of the flying schedule. They identify which missions they have an interest in and whatever area it is operating.

We will take an area in the southwest toward Texas, they may want the information passed to their operation center in New Orleans.

When the crew preflights that mission, they coordinate directly with the customs agent at that location, obtain frequencies, types of aircraft that they would be interested in, and during the E-3A mission, the aircraft that are spotted that meet the requirement that the Customs, for example, are interested in, the information would be relayed to that customs facility.

Mr. English. OK. How much in advance is Customs notified usually on these scheduled flights?

Colonel Zadareky. It is a quarterly schedule, so it could be up to 3 months.

Mr. English. The DOD directive requires you to review your training and operational programs to determine how you assist local law enforcement agencies. Have you done that yet?

Mr. McCoy. We are in the process of doing that.

The air staff is looking at how we can do that or how we can be trained on equipment that we have or learn operational-type tactics, various courses that we have, how we might change anything that we are doing operationally with our own equipment that would allow these law enforcement agencies to either come along, participate in some way that would help them out.

We have in effect an air staff study being undertaken to look into that.

Mr. ENGLISH. When would you expect that process to be complete?

Mr. McCOY. I would say probably it would take in the neighborhood of about 2 months to get a draft plan completed, have all the air staff elements, the secretariate look at it, talk to the major commanders in the field and have a response come in, a draft to look at for possible publication to our people.

Mr. ENGLISH. When do you think the commanders in the field, then, will know how they are to proceed on these requests?

Mr. McCOY. As far as the overall draft, there is a draft Air Force regulation which is derived from the DOD regulation that has been published which relates more to requests for support, requests for equipment and things of that sort which will probably be out to the field in the middle of September.

The other question which I took to be a more indepth kind of issue of how we might change what we are doing to accommodate the law enforcement officials would be the one that would be about 2 months. In terms of what we are doing now that would support law enforcement, our guidance on that in the final form will be out in a couple of, 3 weeks.

Mr. ENGLISH. So as it stands now, if the Washita County Sheriff calls Tinker Air Force Base and says, "I need an AWACS flying tonight over the Red River," the base commander at Tinker does not have any directive or procedure telling him how he is supposed to go through and respond to a request such as that?

Mr. McCOY. Not real specifically on his own. He at that point has guidance because of the nature of our changed emphasis on supporting civilian law enforcement. Agencies would probably communicate that to Washington and say, look, I know we are doing more here on the law enforcement support effort, I have got a request, what can we do to help this gentleman out?

Mr. ENGLISH. I would certainly urge you to speed that up, and all the other services as well.

The Drug Enforcement Agency sent out their monthly magazine going to 10,000 law enforcement officials notifying them of the fact that you are available to provide them with this service. With 10,000 law enforcement folks out there, I imagine you are going to get a few calls.

There will be word out about changes in the law and, unless you have a policy set up to respond, the Secretary of Defense is going to get awfully tired of making this decision 10,000 times. So I would urge you to speed that up as much as you possibly can.

With regard to triservice coordination and cooperation and procedures, can you give us some idea how a situation will be handled if a sheriff calls the base commander at Tinker and maybe he needs some device that the Navy has. What does that base commander at Tinker do to acquire that type of information?

Mr. McCOY. That area is one that will require some work by the services and coordination with leadership from OSD to establish what procedures we have.

Again, for a number of years, the local area commanders have been supporting with certain kinds of equipment, perhaps not the largest kind or the most esoteric kind of equipment. The local law enforcement people in terms of jeeps or trucks, certain kinds of weapons, things of that sort that are small, but we need to let the people know it.

At the current time, what would happen would be, the regular chain of command would be the coordinating mechanism. The base commanders would say, look, I don't have that, the Army or Navy might, and he would in effect let his major command know, the Air Training Command, and they would call the headquarters, U.S. Air Force, and say, we have a request at Tinker, we don't have it. How about asking the Navy or the Army if they can help so our action would coordinate with OSD.

And say we don't have this but we will call the Navy and ask them if they can lend such and such, so the regular chain of command would in effect work to include the various offices in the Pentagon that have been designated as action offices for approval such as my office and the offices of these gentleman with me here today.

To the extent we could, without creating a new sort of organizational entity that would cloud the thing in any way, we need to lay out procedures other than the good judgment of the commanders on the scene in terms of who they need to talk to, but we would hope to use the established chain of command to seek approval and to move out and give the authority to press on.

Mr. ENGLISH. By the time you go through the chain of command and get all the way up to the Air Force and slip over to the Army or Navy, and then go back down to that particular base that might have this gadget that we are hunting, that sheriff is going to be old, gray, and retired.

Mr. MCCOY. It would depend on the amount and the kind of support required.

We would hope to delegate the approval authority on the various items and use of facilities. If it was a request for a larger type of equipment or larger number of people, it would have to go ever higher in the chain of command. We are doing a lot of that today in trying to help the law enforcement people.

We have been for the last 10 or 15 years and——

Mr. ENGLISH. That is not exactly true. You will let them fly with you. You will let them look at radar screens with you but that means that they have got to expend people and resources that they really are short on right now. Nowhere is that more obvious than in the special task force in south Florida. They have stripped other offices in the country to get enough people down there. If they have to have other posts to sit there and duplicate what the military has done, that makes it very, very difficult for them and I don't believe that is what we had in mind in the Congress whenever we talked about posse comitatus, because the law allowed that. That is nothing new.

Why do we have these people, why is it necessary for customs officials to fly on an AWACS plane and have customs officials down at Cudjoe Key? You know how to look at a radar screen, don't you?

Mr. **McCoy**. We do, in terms of manning additional radar screens for different kinds of coverage.

Mr. **English**. I have been down there and seen it. It has one great big screen going around and around.

Mr. **McCoy**. I have not seen it, so I am not as expert as you are in this regard, the amount of traffic coming through, I suppose if you are watching a larger area and greater altitudes, both fast-moving aircraft and low-flying aircraft, one would need perhaps more people to watch them and call in on them and report their tracks and so forth, and that becomes a question over time, and of course, that is a key question in all of this area, I suppose, the degree of reimbursement for the military services doing things in support of the law enforcement agencies which they are doing differently than they would do for just military training and preparedness.

Mr. **English**. You want civilian law enforcement folks, whether it is Customs or whoever, you want them to pay you for that guy's time sitting there looking at that radar screen if he looks over at this section, rather than this section?

Mr. **McCoy**. No, if the military services were doing something that they wouldn't normally do at all, no.

Mr. **English**. If he is sitting up in an AWACS plane, and he is looking here as well as over here, doesn't that enhance his training?

Mr. **McCoy**. That would enhance his training to the extent we were flying trainer sorties.

If we were asked to fly AWACS or do anything else, where we normally did nothing or did not have the fighter assets, that would be the expenditure of time and money specifically in support.

We are not against that, but we are saying as we understand it under the terms of the law, there is a question that arises in terms of, one, can we do it, and second, the reimbursement aspects of that. We are not saying we won't do it. If we are told to do it, obviously we will do it.

Mr. **English**. I thought we heard about the reimbursement issue about 6 months ago and the Vice President settled that for you.

There is no way in the world that the Customs Service is going to be able to pay the Navy $300,000 a month. There is no way. They just don't have the budget.

Mr. **McCoy**. I am just indicating to the extent that the Navy, I presume in their tracks in that area is on, considers themselves to be on training missions or doing some training.

Mr. **English**. That gets on pretty thin ice Mr. McCoy. It gets awfully thin in this area, and that is the reason I am saying, maybe you are not quite as sensitized about the sacrifice that the U.S. Navy is making in this behalf. I think they are going beyond the call of duty and whenever I get the feeling well, maybe somebody over here doesn't want to get around to the fact of ordering any long-term lead items, so the Navy can carry the burden a little longer, that troubles me.

Mr. **McCoy**. I am not saying we haven't.

Mr. **English**. I will bet you haven't.

Mr. **McCoy**. I won't bet you, since we have been perhaps less than communicative with our——

Mr. **English**. You would be a lot more sensitive about it if it were AWACS flying down there at $7,500 an hour.

Mr. **McCoy**. We are doing everything we can to get that money in a hurry.

Mr. **English**. The poor old Navy is carrying your water, your load for you. We better get this thing on the road in a hurry.

Mr. **McCoy**. We will continue to press forward to get a very early operational capability down there, perhaps even earlier than was stated by Mr. Juliana.

Mr. **English**. Great. One other thing. Whenever AWACS is scheduled for a mission down in the south Florida area, and I understand that works out to be somewhere in the neighborhood of 10 days a month when they are down in that neighborhood, is there coordination between the Air Force and the Navy saying look, we are going to be down here and therefore, E2–C's are needed elsewhere. Is that type of coordination and cooperation taking place?

Mr. **McCoy**. I will either ask Ron or Colonel Zadareky.

Mr. **Sinclair**. I don't believe it is directly coordinated, sir.

The E2's location may not necessarily be the area where the E3 is operating.

The E3 may be operating over in the Gulf of Mexico area which would not supplement the E2 coverage.

Mr. **Denney**. Mr. Chairman, I believe there is some coordination.

Mr. **English**. Maybe he can go a little further. There are several tracks of air space set aside for AWACS with these types of training missions, all the way from the Gulf of Mexico and all the way up to Georgia, Alabama, and the southern end of Florida. I flew on one of them. There is no question you can pick one of those tracks in which the coverage from an AWACS will overlap the areas covered by the E2–C's, and they are not too distant from the gulf area that you are talking about.

Is there any consideration being given to making certain that we are flying in an area where we can do two things, cover two jobs at once rather than simply saying, we don't want to go off down there today. We could, but we really don't want to.

Colonel?

Mr. **Denney**. Captain Whittaker might wish to respond.

Mr. **English**. Colonel.

Colonel **Zadareky**. This is a joint effort, so I will defer to the Navy, sir.

Mr. **English**. I see.

Captain **Whittaker**. It is a pleasure to be with you again today, sir. On a monthly basis, the Customs Service, the Navy and Air Force meet to coordinate the schedule, and without going into a great deal of detail here in open session which I think would blueprint——

Mr. **English**. I want to know if you have done it.

Captain **Whittaker**. The answer is yes, and I think we do it very carefully.

Mr. **English**. I know earlier there was some question about whether that was taking place.

Again, the whole underlying theme behind this change in the law of posse comitatus is to maximize the resources of the military and do two jobs at once—get the "biggest bang for the buck" you can for the taxpayer's dollars.

Now, I will move on to the Navy.

What readiness impact is your present E2 support of Customs having on your active reserve units?

Mr. DENNEY. The current program within the Department of the Navy is not having a major overall impact on our readiness per se. Where we are right now, the mission we are flying with the E2's is hurting their readiness but certainly with the surface ships which are not even diverting out of their normal course of business, is not affecting the readiness of the surface forces at all.

The level at which we are doing, it is as close as we can come to meeting the commitment of the Customs and of the drug enforcement work without having a major impact on Navy readiness.

Mr. ENGLISH. Is it not true, though, that some of your reserve units that are flying down in that area are almost totally dedicated to this effort?

Mr. DENNEY. Yes, sir. It is only some of them. We are using a combination of reserve and active forces; but this mission, the portion of it that has been taken for reserve assets, they are generally employed in doing this, and I would say over a long period of time, they are going to be getting a little bit confined flying only in this one area of training.

Mr. ENGLISH. Each month that goes by, this problem becomes more difficult for the Navy. There is less and less to be gained from it.

Isn't it also true that the reserve units are, I believe, up in Georgia, if I remember correctly.

Mr. DENNEY. I cannot identify where all the reserve units are.

Mr. ENGLISH. There are some rather long flying times down there to get on station, and to fly back and involving costs annually.

Mr. DENNEY. Oh, yes, that is true also with active aircraft.

Mr. ENGLISH. Is it also your understanding when we get the second Seek Skyhook, that this will relieve you of your dedicated E2-C support role vis a vis the Customs Service?

Mr. DENNEY. I don't believe that is identified as a dedicated effort. It will help us cover more thoroughly, but our commitment right now is a certain number of aircraft for a certain period of time, a certain——

Mr. ENGLISH. That is the foreseeable future. We are talking here maybe 15 months away.

Mr. DENNEY. I can recognize the difficulties of the commitment of the Air Force here, and I am happy we are available for the moment and hope we can maintain the current levels we have.

Mr. ENGLISH. Once the Seek Skyhook gets off, the only time the E2's will be needed is when one or both of them are down, is that correct?

Mr. DENNEY. I don't know if we are planning additional requirements for E2.

Captain WHITTAKER. There would be very few operational requirements in that area.

The problem that we see with the balloons, Mr. Chairman, they are somewhat representative of a Maginot line. Once the Maginot line is in, we won't need coverage in that area. The drug smugglers will merely go around it and so our dedicated coverage will go someplace else.

Mr. **English**. That would put you probably more into a normal training mode, would it not? In other words, you would be checking out the area where you would normally be doing your training anyway. It would get you into a more normal situation than what you are now.

DOD Directive 5525 requires coordination with civilian agencies on long-range policies to further DOD cooperation. Have you been involved in any such planning?

Mr. **Denney**. We are involved in the area of triservice coordination with our efforts, but in terms of the longer range planning, no.

Recognizing that the overall program and the long-reaching aspects of the program and the more national program, we have not been involved yet in setting up the coordination for that.

Mr. **English**. OK. Thank you very much.

Mr. Hillier, when were you formally tasked with the responsibility for the posse comitatus issue in the Army?

Mr. **Hillier**. The Under Secretary of the Army has that responsibility.

I am here today because for the Army, most of the impact of that law has to do with lending of equipment to other Federal agencies and other State units. That aspect of the law falls within my area of responsibility, and that is why I am here as a representative.

Mr. **English**. We asked for the fellow responsible for it, and if that is the Under Secretary of the Army, maybe that is the guy we better wait to talk to.

Mr. **Hillier**. Those questions on how the overall law is implemented, that would be for the Under Secretary.

If you have any questions on lending equipment, I can provide answers. I am prepared even to discuss how we cooperate on the State and local level.

I am fully knowledgeable in that area but don't have the authority of the Secretary of the Army for all of those aspects. That is the Under Secretary who has that full authority.

Mr. **English**. That is the fellow we need to visit with then. We need the Under Secretary. He is the guy that I want to talk to then.

I will ask you then, since you are in charge of loaning equipment out, what is the status on making a loan of the Blackhawk helicopter to Customs?

Mr. **Hillier**. We have agreed to loan the Blackhawk for a 6-month operational test, as I said in my opening statement.

We have scheduled for tomorrow discussions at the working level with Customs to work out the procedures for lending the helicopter, maintenance aspects of the helicopter while it is on loan, what kind of tools, and what kind of support arrangements Customs ought to be considering when they have that helicopter.

We have agreed to lend it to them and we can work out the details and hopefully, we will give them—in fact, we had planned at the moment to give them a helicopter off the production line and that should happen around September, if everything goes according to plan.

Mr. English. How long will it take for the crew to go through training?

Mr. Hillier. I don't know how long the actual flight training would be.

Mr. English. That would take place about the same time?

Mr. Hillier. That is some of the things we want to work out with Customs, who trains the crews, where is the best place for them to be trained.

If they are to be trained by the Army, I don't know how long the training is for transition training, because a lot depends on what kind of material we get. Do we have trained pilots only transition training or would we have to start at the beginning?

I don't know what any of the answers to those questions are.

Mr. English. Will that also include training for maintenance?

Colonel Gerald. The pilot training at Fort Rucker is 15 hours of flight training. It is about a 3-week course.

One thing that we will look at when we have our meeting tomorrow is, it might be quicker to do it at Sikorsky because it could be done on a dedicated basis with the aircraft that will be loaned.

There is more than just mechanical aspects of teaching the man how to fly. You need ground training, but the Customs service has identified by name four people.

Mr. English. Has that been worked out?

Colonel Gerald. Yes.

Mr. English. We will have to call the Under Secretary of the Army up here. We will make those arrangements a little later.

We will recess until 2 o'clock when we will have Mr. Juliana complete the testimony today.

I want to thank all of you gentlemen for coming today and we appreciate it.

I would appreciate if you could get that letter for me on the lead-time business, Mr. McCoy.

Mr. McCoy. I will find out about that.

[The information follows:]

The long lead items have not been ordered. Although Mr. Juliana did direct the Air Force to begin action to install an aerostat system at Patrick AFB within 48 hours of the last hearing, a number of events unforeseen by either Mr. Juliana or the Air Force have delayed implementation of that direction. Since neither the fiscal year 1982 Authorization nor Appropriations Act includes funds for any aerostats, the Air Force is required by law to request authority to reprogram from the Congress. While the House replied relatively quickly, 20 July, Senate approval was not received until 19 August. In the meantime, the Air Force has received an unsolicited proposal for an aerostat system from another contractor. The proposal is now being evaluated. If the system described in the unsolicited proposal has sufficient technical merit, the Air Force will be forced to undertake a competitive procurement of the Patrick aerostat. With the possible existence of two competing aerostat systems, the Air Force is unable to issue a sole-source contract for long lead items as was envisioned in Mr. Juliana's ten-month estimate. As I mentioned before, the date on which a system at Patrick will be operational is highly dependent on the requirements of the procurement process. The Air Force, however, is committed to fielding a system at Patrick as fast as the legal requirements of the procurement process will allow.

Mr. English. We will recess until 2 p.m.

Best Available Copy

[Whereupon, at 1:20 p.m., the subcommittee recessed, to reconvene at 2 p.m., the same day.]

AFTERNOON SESSION

Mr. ENGLISH. The hearing will come to order.

This afternoon we are pleased to have Mr. James J. Juliana, the Principal Deputy Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics with the Department of Defense and we are very pleased that he is able to join us this afternoon.

I will say that this morning we had evidently the wrong witness from the Department of the Army and we will attempt to reschedule another hearing in September so that the Under Secretary of the Army, who we understand is the correct individual in charge of posse comitatus, will be able to come before us and give us the information that we need in regard to this matter. So we will issue that invitation in the near future when we can find a proper time.

Mr. Juliana, we will be happy to receive your full statement of if you prefer to summarize it, fine, but without objection we will make your full statement a part of the record.

STATEMENT OF JAMES JULIANA, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE, MANPOWER, RESERVE AFFAIRS, AND LOGISTICS, DEPARTMENT OF DEFENSE

Mr. JULIANA. Thank you, Mr. Chairman. Maybe I will just read it and open it up for whatever further questions are necessary.

I am as usual, Mr. Chairman, very happy to be here today to discuss with you the developments in support of the Vice President's Task Force on south Florida crime which have occurred since my last appearance before your committee and to describe the Defense Department's long-term plans for implementation of the authority given to us in Public Law 97-86. I met with your staff a couple weeks ago, Mr. Chairman, and since then I have gone down to south Florida with two of my staff and visited most of the agencies down there primarily involved in the south Florida situation. I feel very confident and certainly more current about those efforts.

In general, DOD support to the south Florida task force continues to contribute significantly to the success of that effort. Since I last testified before your committee, Mr. Chairman, we have added two new capabilities to our levels of support. Navy vessels are now authorized to provide to Coast Guard various types of logistics support at sea, including the towing or escorting of vessels seized by Coast Guard and the transportation of suspects taken into custody. This enables Coast Guard assets to remain longer on station.

In addition, the Secretary of Defense has granted a waiver which enables specially trained Coast Guard teams—swat teams if you may, to be aboard Navy vessels on the high seas to effect interdictions. We are optimistic that these steps will go a long way toward enhancing the effectiveness of limited Coast Guard assets. I actually talked to a swat team that was deploying on a Navy destroyer the following day. They are well-trained and extremely dedicated young men who are ready and able to carry out their mission.

I testified on May 20 that we were prepared to see to it that the Customs service air interdiction effort received every possible

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measure of support from the Air Force balloon borne radar installation at Cudjoe Key, Fla. I asked the Air Force to look carefully and immediately at this matter and advise me what steps were necessary to enable us to follow through on our commitment to provide to Customs every possible assistance. As a result, the entire NORAD involvement, in providing detection assistance to the south Florida task force was reviewed and steps have been taken to enhance that support. I know this is of major interest to you, Mr. Chairman, and I will try to answer some of your detailed questions later. We did visit Cudjoe Key and I know a little more about the balloon now than I did when I last testified.

As you recall, I did announce during my last appearance that the Air Force is proceeding with the establishment of a balloon-borne radar capability at Patrick Air Force Base that will both fill an existing gap in the NORAD system and provide complete coverage of the air corridor of most concern to the Customs service air interdiction program. Fiscal year 1982 funds have been identified for reprograming. That process is underway. These funds will be used for the purchase of long lead items necessary for both the re-establishment of full capacity at Cudjoe Key and the development of the Patrick Air Force Base capability.

Mr. Chairman, your amendment to the fiscal year 1983 Defense Authorization Act will help the Air Force considerably in reprograming fiscal year 1983 funds to allow the completion of that system at Patrick Air Force Base. Finally, the Army has agreed to the loan of one Blackhawk helicopter to the Customs Service in order to test the feasibility of this equipment for the Customs air interdiction effort. Assistant Secretary of the Army Joel Bonner so informed the Treasury Department on August 4 and the two agencies are currently in the process of working out the details. I understand that within the next few days, they will meet also with the manufacturer to get that program moving.

We are going to continue to monitor that situation, along with Secretary Bonner to insure its implementation.

In sum, Mr. Chairman, I remain pleased that the Defense Department is able to continue to provide the significant support to the civilian agencies engaged in the important effort of controlling the flow of illegal narcotics into south Florida without degradation to the readiness of our military services. I again gratefully acknowledge the fine support of you, your committee and your staff in this effort.

Now let me turn to the broader question of the Defense Department's implementation of our law enforcement assistance authority nationwide and on a longer term basis.

As you know, the Defense Department directive on support to civilian law enforcement officials was signed by the Deputy Secretary of Defense on March 22. This document, required by Public Law 97-86, is the governing guidance for all DOD components. It has been given wide distribution to the DOD components and in turn to their subordinate commands. We see this directive, however, as only the first step in our implementation of this authority.

The next benchmark will be the receipt of the implementing documents required by our directive of each of the services. I might add we are a little late on that, but they will be in by the end of this month. The implementing documents will be reviewed carefully by my staff to insure their compliance with the overall Defense Department policy as outlined in Directive 5525.5 and to insure consistency in operating procedures across all services.

The Department of Defense is planning a major educational effort to acquaint decisionmakers at all levels with the revised policy and procedures with regards to support to civilian law enforcement under the new law. The National Defense University has agreed to host a conference on the topic in December of this year which will focus on establishing familiarity with our policy objectives, the range of and restrictions on available military assistance, and coordinative mechanisms for continuous policy evaluation. The invitees will be limited to those persons who are authoritatively positioned to interpret, disseminate and manage policy information critical to broad interagency cooperation and to the education of appropriate command levels of all relevant DOD components.

We are also working with the relevant offices within the Office of the Secretary of Defense to see to it that all relevant service schools are reflecting, in their own curricula, the recent policy change with regards to support to civilian law enforcement. Of special concern to us are such schools as those for judge advocate and provost marshal candidates. It is to such officials that requests are most likely to be initially referred at the lower command levels and, therefore, it is imperative that they be acquainted with the changes in policy as soon as possible.

Last, but certainly not least, Mr. Chairman, the Defense Department is actively participating in the Attorney General's Task Force on Drug Supply Reduction. This interagency task force, working under the direction of the Cabinet Council on Legal Policy, is charged with reviewing all facets of the Federal effort to reduce the supply of illicit drugs and making recommendations to the Cabinet Council on measures that can be taken to enhance and better coordinate those efforts.

The five working groups into which the task force efforts are organized will address every facet of the problem of drug supply reduction. Chief among the concerns of the working group which is addressing the interdiction issue is the more effective utilization of Defense Department resources under the revised DOD policy and the effective coordination of all Federal departments in doing so. No specific date has been fixed for the termination of the task force's work. But we think initial recommendations will be made soon to the Cabinet Council on Legal Policy.

That summarizes what we are doing since our last appearance before this committee, Mr. Chairman. We will continue to respond to our responsibilities in a very positive way. We welcome your interest and support and we hope to remain closely alined with you as we proceed on this issue.

I am available now to get into some of the specifics.

[Mr. Juliana's prepared statement follows:]

PREPARED STATEMENT OF JAMES JULIANA, PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (MANPOWER, RESERVE AFFAIRS AND LOGISTICS)

Mr. Chairman, members of the Committee, I am here today to discuss with you the developments in support of the Vice President's Task Force on South Florida crime which have occurred since my last appearance before your committee and to describe the Defense Department's long term plans for implementation of the authority given to us in Public Law 97-86

Mr. Chairman, last Monday and Tuesday I visited most of the agencies primarily involved in the South Florida situation and feel very confident and current about those efforts.

In general, DoD support to the Vice President's South Florida task force continues to contribute significantly to the success of that effort. Since I last testified before your committee, Mr. Chairman, we have added two new capabilities to our levels of support. Navy vessels are now authorized to provide to Coast Guard various types of logistics support at sea, including the towing or escorting of vessels seized by Coast Guard taking the suspects into custody. This enables Coast Guard assets to remain longer on station. In addition, the Secretary of Defense has granted a waiver which enables specially trained Coast Guard teams—swat teams if you may, to be aboard Navy vessels on the high seas to effect interdicitions. We are optimistic that these steps will go a long way towards enhancing to the effectiveness of limited Coast Guard assets. I actually talked to a swat team and am convinced they are well trained, dedicated men—ready and able to carry out their mission.

I testified on May 20 that we were prepared to see to it that the Customs Service air interdiction effort received every possible measure of support from the Air Force Balloon borne radar installation at Cudjoe Key, Florida. I tasked the Air Force to look carefully and immediately at this matter and advise me what steps were necessary to enable us to follow through on our commitment to provide to Customs every possible assistance. As a result, the entire NORAD involvement, in providing detection assistance to the South Florida Task Force, was reviewed and steps have been taken to enhance that support. Further improvement is possible and I assure you will be forthcoming.

As announced during my last appearance, the Air Force is proceeding with the establishment of a balloon borne radar capability at Patrick Air Force Base that will both fill an existing gap in the NORAD system and provide complete coverage of the air corridor of most concern to the Customs Service air interdiction program. Fiscal year 1982 funds have been identified for reprogramming. That process is underway. These funds will be used for the purchase of long lead items necessary for both the re-establishment of full capacity at Cudjoe Key and the development of the Patrick Air Force Base capability. Your amendment, Mr. Chairman, to the fiscal year 1983 Defense Authorization Act will help considerably in granting the Air Force the necessary authority to reprogram additional funds in fiscal year 1983 to allow the completion of that Patrick Air Force Base system. As always, Mr. Chairman, the Defense Department is grateful for your continued support.

Finally, the Army has agreed to the loan of one Blackhawk helicopter to the Customs Service in order to test the feasibility of this equipment for the Customs air interdiction effort. Assistant Secretary of the Army Joel Bonner so informed the Treasury Department on August 4 and the two agencies are currently in the process of working out the details. We shall continue to monitor this matter to insure its implementation.

In sum, Mr. Chairman, I remain pleased that the Defense Department is able to continue to provide the significant support to the civilian agencies engaged in the important effort of controlling the flow of illegal narcotics into South Florida without degradation to the readiness of our military services. I again gratefully acknowledge the fine support of you, your committee and your staff in this effort and for your broad support.

Now let me turn now to the broader question of the Defense Department's implementation of our law enforcement assistance authority nationwide and on a longer term basis. As you know, the Defense Department Directive on support to civilian law enforcement officials was signed by the Deputy Secretary of Defense on March 22. This document, required by Public Law 97-86, is the governing guidance for all DoD components. We see this Directive, however, as only the first step in our implementation of this authority. The next benchmark will be the receipt of the implementing documents required by our Directive of each of the Services, by the end of this month. The implementing documents will be reviewed carefully by my staff to insure their compliance with the overall Defense Department policy as outlined in

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We are also working with the relevant offices within the Office of the Secretary of Defense to see to it that all relevant Service schools are reflecting, in their own curricula, the recent policy changes with regards to support to civilian law enforcement. Of special concern to us are such schools as those for Judge Advocates and Provost Marshall candidates. It is to such officials, that requests are most likely to be initially referred at the lower command levels and therefore it is imperative that they be acquainted with the changes in policy as soon as possible.

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That, Mr. Chairman, summarizes the ongoing efforts of the Defense Department to carry out the intent of the Congress with regards to support to civilian law enforcement as expressed in Public Law 97-86. Let me say that we continue to welcome the Committee's interest in and support of our work and trust that we will remain closely aligned as we proceed further. That concludes my prepared remarks and I will be pleased to answer any questions that you might have.

Mr. ENGLISH. Thank you very much, Mr. Juliana.

This morning we heard from the Air Force and you remember last May you gave us a commitment that we would have that Seek Skyhook at Patrick operational within a year. The Air Force told us that they didn't feel too bound by your commitment and that what they are looking at now is that it could well be 15 months or more from May, at best maybe 12 months looking from today.

You remember we discussed the long leadtime necessary on some of those items involved for Seek Skyhook on some purchase could begin on those types of items to get the process going to try to speed it up as much as possible.

Again, the Air Force didn't have any idea whether or not that process had begun yet or not. It seemed to lay the whole thing on Congress by saying they had to wait on some kind of action by the Congress before they could do anything. Generally they gave me the idea that they are just not in too big a rush for this, they just don't feel too much urgency about it all. Would you care to comment on any discussions in your effort to meet that deadline of within 12 months that you gave us prior?

Mr. JULIANA. First of all, Mr. Chairman, I think that Congress has been very responsive on this issue. Your committee and others have been especially responsive. On the whole issue of the Skyhook, if I may just take a few moments on this, you may recall the

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Air Force initially raised the additional capability of the Skyhook down at Cudjoe Key and I think a lot of us—certainly I—may have been a little too optimistic as to not only the capability of the Skyhook, but also, certainly, the timing in which we could implement some of the things that we would like. If I knew in May what I know now about the Skyhook, I would not have made the statement of the commitment that, "You will have it in less than a year". I believe that is what I said or something to that effect.

The Department of Defense, the Deputy Secretary, Mr. Carlucci, has directed the Air Force to come up with the necessary funds for the Skyhook at Patrick Air Force Base. That was in a communication and we are committed to that, Mr. Chairman, and we will pursue that aggressively.

The things that are confusing, and why maybe some of us have been too optimistic, are, I think, some misperceptions that we can go out and buy a third balloon and all of the radar gear and just put it at Patrick Air Force Base and have it operating as part of this overall NORAD system. It obviously is not that easy. Congress has been aggressive and is now ready to grant the Air Force some $3 million to get additional long lead items and support radar equipment for the second balloon at Cudjoe. As you know, the second balloon was down and had some damage and is now being repaired. Even if we took that second balloon with the new radar equipment installed on it, we don't have the ground support at Patrick Air Force Base to operate the balloon.

It is a lot more complicated than I was led to believe, to be very truthful with you, and the problem with Patrick Air Force Base is more the ground equipment than the balloon and the gear that would be attached to it.

That is my understanding of it and I am not a technician, but I did spend several hours down there at several different bases trying to learn more about it and I have since talked to the Air Force about it. I guess the bottom line is that the Air Force now tells me that they will reprogram $10.5 million or $10.8 million in fiscal year 1983 for the Patrick Air Force Base balloon.

Mr. Chairman, I again assure you that we will move that as fast as humanly possible. We are even exploring an alternate source for a balloon capability. There is one available. I get mixed reports whether it is off the shelf or whether it will be 19 months for delivery and about the cost, which I understand could be considerably more than $10.8 million.

I hope that is helpful. I know it doesn't answer your question—it doesn't solve the problem.

Mr. ENGLISH. Well, the thing that we have gotten down to, Mr. Juliana, there was no disputing this morning by the Air Force, there was no disputing the amount of time that it would take to make the purchase. We are still talking within the 12 months, within 12 months. The difference is that nothing has been done since May. That is where we are short. If I remember correctly, you made the statement that you would begin the present session on the long lead items within 24 hours after you left the hearing room or something of that sort.

Mr. JULIANA. I don't recall it, but I most likely did if you do recall it, but that was certainly all contingent on getting—then I think they were talking about $3.5 million. As I say, the Air Force has not moved out as sharply on that issue as they should have, Mr. Chairman.

Mr. ENGLISH. That is what I would agree with you on and that is what I found disappointing with the Air Force testimony this morning because I think we have tried to be reasonable on these things. I understand that you are talking about some very sophisticated equipment, equipment that does require long leadtimes. I got the same impression that you did by the experts down at Cudjoe and they told me how long it would take to order this, this, this, and all item by item. As you have said, it is not just like buying a balloon and sticking it up on a wire and that is all there is to it. It is much more complicated than that.

We are still talking about the same time sequence. What has happened is that nothing has happened since you testified before us. I certainly believe your commitment to us. I think that you made that in good faith. You believed that that is what would happen. What I am telling you is it doesn't sound like the Air Force has responded to you much, that they are dragging their feet and I know we run into that within the bureaucracy occasionally. You hit a stumbling block now and then. Believe it or not, it even happens in the Congress. You have got someone over there someplace who is dragging his feet and I hope you keep your eye out for him, keep him spotted and try to identify him. Because when we have a hearing a few months from now and find out things still have not started, I want you to be able to tell me who he is because he is going to be the fellow I want to see sitting up here right next to you and then the two of us can jump on him.

But I don't see any sense in waiting another 6 months and find nothing has been done. That is sad. The Vice President wants this to move forward. He has done this at the specific authority and request of the President of the United States, but evidently we have some joker over there that feels like his judgment is better than that of the Congress and the President and the Vice President and you and everybody else in this operation and he is dragging his heels. So please keep an eye out for him and help us identify that fellow.

Mr. JULIANA. I sure will and if you should find out who it is, please let me know.

Mr. ENGLISH. I think we will have a special hearing just for him. We will indeed.

We also have other changes that are taking place within the Department of Defense now, and I know that you have put out a directive to the Services that, as you mentioned in your testimony, we are beginning to shift our focus away from just south Florida and seeing how we can begin to provide assistance to other areas of the country and how the military could do that.

We heard this morning from the Assistant Secretary of Treasury. He indicated there was some evidence already that drug smugglers are trying to deviate, to circumvent the Florida operation, and to come up with new methods. We want to again make certain that we utilize the assets of the Department of Defense wherever we can, and however we can, without impairing combat readiness in any way.

There is also a recent article that came out in this summer's DEA magazine that was sent to 10,000 law enforcement officials that tells them all about posse comitatus. It appears to me you are going to get hit with a lot of questions, that you will have a lot of military commanders out there that will be getting calls from the local sheriffs, and sheriffs that are not so local maybe, asking for this gadget and that help. The question is, Do these commanders know what they are supposed to do with that? What process do we go through? Can you tell me?

Mr. JULIANA. We have not really developed a process. That is one of the reasons in delaying. The services are coming out with their directives to the commanders. Over the years they have had the requests coming in ad hoc and have tried to respond as best they could through the military commanders.

We at the Department, I believe, have received only one request from a local law enforcement official. I believe it was from south Florida. That came through because of the south Florida crime initiatives, mainly, and we did respond to that. I belive it was the Army that was asked and they did respond.

I don't think that we at the Department of Defense level have placed sufficient emphasis on what might be the reaction of the local law enforcement agencies to that DEA article that you mentioned. It could be devastating from a resource standpoint.

We do not now have a mechanism, if they came to us in great numbers, to respond. We think that there has to be a mechanism developed. Now, what that mechanism is to be, maybe others other than the Department of Defense should decide. We certainly cannot get into the law enforcement business, but we would hope that in these new directives going out by the services to their components, to their commands, that we will give the necessary direction for them to adequately and properly respond, to properly report, and to maintain relevant data.

The big issue, of course, is validating a request and here again I am not so sure that we in the Department of Defense or any of the services should be in the business of validating a request by a law enforcement officer because we are passing judgment on an issue that we have no responsibility over, really, other than, of course, whether we give the support or not.

But is it a legitimate drug-related request? I think that should be left to the law enforcement people, but again I have not given that any indepth thought, but that seems to be after talking to Ted and Bill the other day, it seems to be where I come from, but again I have not gone into depth with it.

Mr. ENGLISH. Wouldn't that largely depend on whether or not that kind of assistance can be rendered without having a negative impact on combat readiness?

Mr. JULIANA. It certainly would, yes. That has to be—our criteria still must remain the same whether it is from a Federal or local agency. We must consider combat readiness. Is it available in the local market? Do we have it or not or where is it? Can we get it? And, of course, what it will cost them. They are the main critera that we have to apply whether a request is from Customs or from the sheriff in some local community.

Mr. English. Let me ask you a question that just pops up in my mind. I am not sure that I know the answer, to be honest with you, and how I would respond to it if I were the base commander, but it highlights the difficulty that you will start running into. My own State of Oklahoma is, according to recent studies, the third largest producer of marihuana in the Nation these days. Let's assume you had a sheriff in the county that thinks he knows where he has a large operation going on in marihuana. He calls down to Fort Sill and requests the assistance of 100 of your soldiers this Saturday, for the purpose of pulling out every marihuana stalk they see and bringing it in. Would that fit under posse comitatus insofar as that military commander is concerned and would he have the authority to respond? It is not enforcement. It is not involved in enforcement in any way.

Mr. Juliana. Mr. Chairman, I would immediately call my lawyer to give me an interpretation of posse comitatus. I don't know the answer to that. It is very difficult.

Mr. English. It highlights the problem that base commanders are going to have. There is no question that the Congress wanted the military to support and assist. There is no question that from the standpoint of the actual arrest the military is prohibited from being involved in that.

But it is very, very broad insofar as what it allows up to the point of arrest. Unless these military commanders have direction out there and specific directions about what they can and cannot do and under what circumstances they are able to provide assistance, I think you are going to have all the calls coming to the Secretary of Defense and as I said, I am not sure he has time to take calls from 10,000 sheriffs across the country on what they are supposed to be doing, whether they can get assistance from the military.

Mr. Juliana. When the draft directives from the services are submitted to us, we will review them to make sure that the areas such as you have raised here are addressed. Those directives will then be distributed to local commanders.

Mr. English. Do you have any idea, even generally, what the guidelines will be on this situation?

Mr. Juliana. I do not, no, sir. I have not seen any of the drafts.

Mr. English. The Air Force told us this morning, and then the Navy told me after, that they thought they would be through their process of coming up with those directives within a couple months.

Mr. Juliana. They are due to us at the end of this month.

Mr. English. They were envisioning they would go out to the people in the field by then, through the entire process by the end of a couple months. Now, the Army indicated they thought they already had this whipped and they are ready, they had the directives, they had been in place for several years and they didn't have any problems and didn't have to worry about this. Are you familiar with anything that the Army has that would fit into that category?

Mr. Juliana. Whatever they have is going to be updated. They have the same responsibility to respond to our directive by the end of this month.

Mr. English. So you expect something new?

Mr. Juliana. I certainly do.

Mr. **English**. I am sure it will be helpful to them. If you can pass something on to the Army that they have to come up with something better, that is fine.

Mr. Kindness?

Mr. **Kindness**. Thank you, Mr. Chairman. In the exchange just occurring, I have developed an uneasy feeling that directives are being put together, formulated by the wrong people, perhaps, and I would elicit your response. It seems to me the request for posse comitatus assistance ought to come from or through law enforcement personnel to the Department of Defense or however it is broken down from that point on for a response. But initially the FBI, DEA, the law enforcement people are in the best position to make an appraisal as to whether the request makes good sense in terms of law enforcement.

Perhaps to some degree the determination as to whether Federal participation ought to be involved is a decision made by them. It seems to me that could be a control point of meaningful utility. Then the communication between the law enforcement personnel and the Department of Defense would be greatly simplified.

Now, we are apparently aiming at another point at the present time, but the longer term coordination between agencies would seem to me to very logically result in that type of approach. Would you care to comment on that, and whether there is anything in that direction that is developing at the present time to your knowledge?

Mr. **Juliana**. Well, Mr. Kindness, we do have two issues: One is the law enforcement issue for which the Department of Defense is not responsible, the other is the support issue for which we are. We will be addressing the second, the support issue given to us under the new law. I might say the directives that we, the Department of Defense, have put out were coordinated with the law enforcement agencies.

So there was that coordination in our directives to the services. Now, our directives to the services will be the basis for them to proceed and prepare their own directives for implementation.

On the overall coordination, this is one of the issues that the Cabinet Council on Legal Policy and the task force headed by the Department of Justice is looking into. In fact, we the Department of Defense, are chairing one of the many subcommittees. We are chairing the subcommittee that is trying to develop a means of coordination between DOD and the civilian agencies as it relates to the overall national drug issue.

So it is being addressed there. All the law enforcement agencies are represented on that Cabinet Council on Legal Policy.

From that should come some national policy as well as even further directives from the law enforcement agencies.

Mr. **Kindness**. As a practical matter as things progress now, would you contemplate direct communciation, the initial communication of a request for help from, say, a local sheriff or a police chief, to the commander of a base?

Mr. **Juliana**. Well, I think there have been cases in the past and I think there will be in the future. As the chairman indicates, the number of requests could increase substantially overnight as a result of the publicity, the DEA article in particular. Yes, there could be a situation developed where the base commander just would not have the resources to respond. This is the concern that we all must have.

Mr. Kindness. Do you think it would be good management for the Defense Department to allow it to develop in that way?

Mr. Juliana. From a pure management standpoint, I don't think so.

Mr. Kindness. I don't think so either.

Mr. Juliana. It is going to impact on our resoruces and, of course, the next thing is readiness.

Mr. Kindness. But it seems to me that we ought to be getting hold of this thing through the law enforcement side of things. When sheriffs in the counties in my district are looking for help in an area of drug enforcement, and know of some particular equipment that might have some usefulness, where do they make their request? It seems to me they contact their friendly neighborhood FBI agent. That is a close place. And they go through that sort of channel. Then they get to the Department of Defense once it is clear it makes sense in the first place as a law enforcement matter. Then the Department of Defense might respond by way of indicating that this particular piece of equipment might be available from Fort Sill or wherever, and might be made available to help. Whereas, the sheriff making the inquiry might otherwise have gone to some other place where they didn't have the equipment, the coordination would not be there, it would seem to me.

Mr. Juliana. Mr. Congressman, I don't believe there is any capability within the Federal Government, including the Department of Defense to respond to a nationwide influx of hundreds or thousands of requests from local law enforcement officers on drug interdiction. I don't think there is the capabilty for a commander in Oklahoma, if he doesn't have the requested equipment, to know where to send the individual to find that piece of equipment. I don't think that capabiltiy exists anywhere in the Federal Government.

Mr. Kindness. Thank you.

Mr. Juliana. It would be great if we had that capability. We have found in dealing so far with the Federal agencies that the question of validation certainly has not come up. They are in the business more so than we are, Customs, Justice, so on. They have been responsible requests. It is just a matter of resources. Do we have it? How much will it cost? Can we supply the support as requested? We have not had a real major problem. But we have had delays. I think that almost every request has been responded to in the affirmative.

That is not the problem, however. The problem will be when we get this tremendous interest and these anticipated requests from local officials.

Mr. Kindness. Of course, I didn't mean to suggest that we could establish a mechanism by which the help wanted or needed by the local sheriff or police chief would be made available. I was thinking more in terms of how you control this situation so as to make better sense out of it.

I just can only say I am concerned that it would be far better for the DOD directive to say to every base commander, "If you get a request like this, refer them to the FBI." That is a real simple directive. Nobody thinks about writing simple things like that anymore, but it would be better from a management standpoint, I think.

Mr. JULIANA. But on the other hand, Mr. Congressman, I don't think it would be responsive to the law because if it is a request for support as compared to law enforcement assistance, we have that legal responsibility. We are going to have to work on it. It will take hard work by a lot of people to try to resolve this.

Mr. KINDNESS. Perhaps you are suggesting that if the majority in the Congress felt that that is the way it ought to work that we need to change the provision of the law regarding posse comitatus so we make sure by statutory enactment that such requests ought to come through a Federal law enforcement agency somehow or another so DOD doesn't have to take this burden of direct communcations in a variety of cases vis-a-vis local law enforcement officials, but rather you get a coordinated approach through setting it up by statute.

Mr. JULIANA. I won't suggest amendments to the law at this point. I think we have to see what the problem is a year or 6 months from now and address it at that time. But in the meantime, I think we have to try to make some plans for those contingencies.

Mr. KINDNESS. Thank you.

Mr. JULIANA. I go back to what I said before though, I think that part of it should be the responsibility of the law enforcement agencies rather than DOD. I do believe that, but again I haven't given it any real deep review or consideration.

Mr. KINDNESS. Thank you, sir.

Thank you, Mr. Chairman.

Mr. ENGLISH. Thank you, Mr. Kindness.

I want to follow up on that. I think we are looking at a very important point, one not easy to get a hold of, not easy to deal with.

I think you are going to find yourself in the position that local law enforcement officials need help and will not know whom to call.

In many cases, you will have the particular piece of equipment that the law enforcement official is seeking from a military installation available within civilian law enforcement community.

It would seem to me that what will be necessary is some type of central clearinghouse for those types of requests.

I think this is what Mr. Kindness was getting at. We don't want to make the military the first port of call every time someone decides he would like to have a gizmo out there to direct traffic.

You can get into that and get into it in an overdone way. There may have to be a balance and it may require a facility to clear the request. You have 10,000 local law enforcement officials out there, I don't think they will all be calling in a single day. There could be a large number of requests over a period of time, but I don't think necessarily you will find a base commander that will just be inundated with calls. The main thing is that he knows what the procedure is when receiving a request. There should be a coordination process with other law enforcement agencies to determine if they have it, and if they do, they ought to provide it first. If no one else has it and DOD does, then DOD will be more of a source of last resort in providing this assistance. I am doing just a little brainstorming more than anything here.

Mr. JULIANA. We may find, Mr. Chairman, that our military installations are better prepared to respond to some of these requests than we realize. I refer to the fact that the individual on the military installation that is going to be contacted by the sheriff or by the local police officer will be the provost marshal. They work together all the time anyway.

It may well be that the existing cooperation between the military and the local community can resolve a lot of these, particularly if it doesn't involve commitment of expensive resources. We had one of the agencies asking for two half-ton trucks. Well, that provost marshal can find out quickly if there are a couple around. If they were needed overnight, it seems to me they can provide them. If we can get down to the local level, the authority to give the assistance, we are going to be able to respond in a timely fashion.

We must build good reporting requirements so that we know and can measure exactly how much support is being requested and how much we are giving. We need to have a complete picture of the cooperation with law enforcement agencies in the local area. This is what we are going to build into the directives that will be provided for the base commanders to implement.

Mr. ENGLISH. I disagree with you on two points. First of all, most law enforcement officials would not be in the community of that military installation. You have one city marshal, one police chief or something of that sort. The rest of these folks will be outside. They don't have daily dealings with the military. That is particularly true after you get away from the major metroplitan areas. You are going to have guys calling in that don't know that much about it. They have never dealt with the military. All they know is they need a gizmo and they are going to call the military to see if they can get it. The man they will call is the commander of the base.

Second, if they have any request at all, even anything that might include a firearm or something like that, most likely that decision will have to be made by the base commander. I don't think the provost marshal will be left with that decision.

What it seems is that you can avoid a lot of trouble if you can wrap this back through and say, OK, can the State police, or Federal law enforcement agencies, handle it before it ever gets to the point of the military coming into the act?

The fact is there needs to be a way for the commander, when he gets a call, to pass it through that type of clearinghouse. That is what I am talking about. But it just seems to me that the military ought to be the last resort for that type of assistance.

Mr. JULIANA. I wasn't suggesting that we bypass or take the commanding officer of a facility out of that chain. He has the ultimate responsibility, obviously.

Mr. ENGLISH. I am afraid we have a vote. We will recess a few minutes and be right back, Mr. Juliana.

[Recess taken.]

Mr. ENGLISH. Mr. Juliana, has the Department of Defense furnished any information to civilian law enforcement agencies with regard to any surplus equipment that might be available to them?

Mr. JULIANA. Are you talking about local law enforcement, like State and local? No, sir, not in any organized way.

Mr. ENGLISH. How are you assuring that the Armed Forces provide intelligence information that they might derive to any civilian law enforcement officials?

Mr. JULIANA. Mr. Chairman, I am not aware that we have anything in place, any technique or system in place to do that. This is something that we are going to have to look at as we put out these directives.

Mr. ENGLISH. Counsel pointed out that the implementation document, of course, refers to that and indicates that that is something that should be done. So you anticipate doing that?

Mr. JULIANA. Yes, sir, that is something that the services should be addressing in the draft of their implementing documents.

Mr. ENGLISH. You are leaving the considerations on whether to approve or deny any requests from civilian law enforcement agencies up to the services? The question of whether to approve or not approve a request, the criteria or guidelines, will you do that yourself?

Mr. JULIANA. The services will have to take it from there, Mr. Chairman. Under our participatory management concept we are giving them as much flexibility as we can. We don't want to micromanage the services. Hopefully, their implementing directives will cover that and after our review we will be satisfied that they will have that responsibility.

Mr. ENGLISH. You will demand a consistency from the services once they provide that? We are not going to get into a situation where one service has one set of guidelines and another branch another, which would require three different approaches?

Mr. JULIANA. There will be uniformity in the reporting requirements of all the services.

Mr. ENGLISH. Reporting requirements?

Mr. JULIANA. Of the requests that they receive, how they responded, reporting back to us, in other words.

Mr. ENGLISH. I see.

You have no way to validate, I don't suppose, whether an item requested may be available somewhere other than the Department of Defense at this time, do you?

Mr. JULIANA. No system is in place; no, sir, Mr. Chairman.

Mr. ENGLISH. Would you agree that we need a system in place, a centralized type system for instance, so that a request to a base commander can be validated as unavailable from other law enforcement agencies such as DEA. Customs, State police, et cetera?

Mr. JULIANA. Yes, sir, I do, and without it, I don't think any real meaningful degree of cooperation can be established.

Mr. ENGLISH. Mr. Kindness?

Mr. KINDNESS. Thank you, Mr. Chairman. I do not have any further questions.

Mr. ENGLISH. Mr. Juliana, I have two major concerns which I hope, through your guidance, will be resolved. One concern is that there will be clear instructions which will insure that all law enforcement agencies with a "need to know" would receive what might be valuable intelligence information on a timely basis; and that the individual services know what type of information is important to pass on, and that your reporting procedures remain as simple as possible.

Two, another concern is that your instructions to the field will be instructions which maximize, rather than minimize, the potential for favorable consideration to the requester when that request is a valid one.

This can only be done through close coordination between the services as well as civilian law enforcement agencies, and in that light I think it is important that everyone understand that the military services are not a "horn of plenty," so to speak.

They should be a last resort rather than a first resort. But we are going to have to recognize that our commanders may be contacted first, and there needs to be a way in which we can search through the various civilian law enforcement agencies for that assistance as opposed to going directly to the military.

As this law becomes more widely known among the very large portions of the agencies, and particularly if we have more stories about the DEA as we did this summer, you are going to get heavy requests, and we must be prepared to handle those.

I would hope that both of these considerations will be kept in mind as you consider the proposals that the various services make.

Mr. JULIANA. They will be.

Mr. ENGLISH. I also want to commend the Department of Defense. I think that you are moving into some very unique waters with the changes in posse comitatus, and I think it is important that we move carefully. If this cooperation is to work, then we have to make certain that no mistakes are made, but I have been, for the most part, pleased with the attitude within the Department of Defense. I think that obviously the assistance that they have been rendering, particularly in South Florida, proves that this cooperation can make the difference, and it can have a heavy impact, particularly in dealing with drug problems.

So, I want to commend you; and we are looking forward to significant progress before our next hearing. We will try to have a hearing with the Under Secretary of the Army, so that we can find out what progress he is making, sometime in September, but I would assume that we will be able to visit with you much later than that, Mr. Juliana, and see active procedures in place.

Mr. JULIANA. Well, whenever, Mr. Chairman; I am available, and I will do the best I can to respond.

I did not know that there was that problem within the Army structure, so I can't respond to that.

I think we have been very responsive to the request that we received on implementing the new statute. I don't know if Congressman Bennett mentioned it, but he called on me the other day to discuss the status of some of the issues. That is all very helpful and your hearings are helpful. It is a big job, and we have a heavy responsibility. We are going to carry that responsibility out to the best of our ability.

This helps us, and we appreciate everything you and your fine staff and other Members have done.

Mr. **English**. Thank you very much.

Mr. Kindness?

Mr. **Kindness**. I join in, in the expressions of concern over the cooperation and the approach to this thing, and hope we can continue to follow up in September with the Department of the Army and beyond, to be of whatever help we can along the way.

Mr. **English**. With that, we will recess, subject to the call of the Chair.

[Whereupon, at 3:30 p.m., the subcommittee adjourned, to reconvene subject to the call of the Chair.]

APPENDIX

REMARKS OF VICE PRESIDENT GEORGE BUSH CONCERNING THE SOUTH FLORIDA TASK FORCE, FEBRUARY 16, 1982

PRESS RELEASE

THE VICE PRESIDENT
OFFICE OF THE PRESS SECRETARY

FOR RELEASE: 1:00 p.m.
Tuesday, February 16, 1982

CONTACT: Peter Teeley
Shirley Green
202/456-6772

REMARKS OF VICE PRESIDENT GEORGE BUSH
AT THE MIAMI CITIZENS AGAINST CRIME LUNCHEON
OMNI HOTEL, MIAMI, FLORIDA
TUESDAY, FEBRAURY 16, 1982

It's a pleasure for me to be here today to accept your kind invitation to address this Luncheon, sponsored by the Miami Citizens Against Crime. We're here today to discuss a sensitive and serious situation. We're here to learn more about the violence that has been inflicted upon the people, about the hardships that have been imposed upon the community. I am also here to report to you on what actions have been taken during the past two weeks since the President's Task Force was established.

In his announcement of the Task Force on January 28, President Reagan said, "The once tranquil area of South Florida has become a landing area for hundreds of thousands of refugees, and the nation's major terminal for the smuggling of illegal drugs into the United States."

He went on to say that "massive immigration, rampant crime and epidemic drug smuggling have created a serious problem." He added that "the Federal Government has a special responsibility to fill in temporarily and do what it can to reduce and, it is hoped, to eliminate these problems." The President has appointed the very highest officials in his Administration to deal with them. The Secretaries of State, Defense, Transportation, Treasury, Health and Human Services, the Attorney General of the United States, and Presidential Counselor Edwin Meese are members of the Task Force. He has asked me to head up this group.

When the President decided to take action to help you solve the problems unique to this state, he did not intend this Task Force to supercede the responsibilities of state and local law enforcement officials. He expects us to assist and coordinate our efforts with state and local authorities in order that we, together, restore civility, safety and calm to South Florida.

But it is the intention of the President to do what we can to make the streets and public places of South Florida safe for our children, our senior citizens and all other residents of the area.

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We believe that the people of South Florida have a constitutional right to live without fear and intimidation. We believe that those who deprive our citizens of their constitutional rights must be apprehended and brought to justice.

We also believe that no single ethnic or racial group should be singled out as bearing sole responsibility for the problems of South Florida. Yes, there are illegal aliens involved in drug trade. But let us remember that, in the President's words, "the overwhelming majority of these refugees are peaceful, freedom-loving people. Most have resettled in new homes and in new communities in order to build a better life for themselves. In the years to come, they will take their place alongside millions of others who came before them in making ours a better land." To those, we extend the hand of friendship.

To those who commit crime, who engage in violence, we say, the American people have great patience, but that patience has been sapped. South Florida cannot be a haven for criminals, for drug traffickers, for hired assassins.

During the past two weeks, we have been working long hours in trying to determine what can be done in the immediate short-term and in the long-run to help solve problems related to the Task Force -- especially the problem of crime. I would like to list today a number of decisions that have been made in a very short time to launch our effort. Others will be forthcoming in the weeks and months ahead.

Here are the problems relating to crime, as we see them, based on information provided us by law enforcement officials and responsible civilians representing various organizations here in the area.

1.) Insufficient jail space;

2.) Insufficient court rooms;

3.) An insufficient number of judges;

4.) No permanent U.S. Attorney and 18 vacancies for assistant U.S. Attorneys;

5.) Insufficient manpower in all law enforcement agencies, such as the Drug Enforcement Agency, the FBI, Customs, Immigration, Alcohol, Tobacco and Firearms Division and perhaps the Internal Revenue Service,

6.) Insufficient offshore surveillance;

7.) A need for greater cooperation with the Bahamas, Bolivia, Colombia and Peru.

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While the problems are numerous and serious, we have taken specific initiatives to make improvements in each of those areas.

1.) The President intends to nominate Stanley Marcus to be the new U.S. Attorney for Miami. He is a brilliant young prosecutor with a proven record of accomplishment in the area of organized crime.

2.) We will work with him in finding the very best assistant U.S. Attorneys from Florida and throughout the rest of the country -- prosecutors who have established records of accomplishment in combating crime.

3.) We now have an Administrative agreement between the Justice and Treasury Departments in setting up a joint Task Force consisting of DEA, the FBI and Customs which will allow Customs to investigate drug related crime. In order to provide this joint Task Force with teeth, we will put 130 more Customs investigators into South Florida immediately.

4.) As many of you know, the Miami office of the FBI will be strengthened with an increase of 43 new agents. 33 have already arrived.

5.) We have approved an increase of 20 agents for the Drug Enforcement Agency to work in Miami.

6.) We are establishing a Financial Law Enforcement Center at the Treasury Department which will be extremely helpful in ensuring the full utilization of the information that is now available and of that which will become available under Operation Greenback. The Financial Law Enforcement Center started out with 18 experts. We will add 20 more to work on national problems involved in laundering of money, and an additional 20 experts who will focus on the Miami and South Florida area exclusively.

In this regard, I want to make this point as strongly as I can: our investigative efforts will be as stringent on bankers and businessmen who profit from crime, as on drug traffickers, the drug pushers, the hired assassins and others. There will be no free lunch for the white collar criminal.

7.) The Alcohol, Tobacco and Firearms Agency will soon be divided with the responsibility for firearms going to the Secret Service. You may be aware of personnel cuts in A.T.F. but I want to assure you that not only will there not be any cuts in the South Florida area, instead we will be beefing up the Secret Service in order to launch an aggressive program to cut back on the illegal use of firearms, including the terrifying use of machine guns, now plaguing the City of Miami.

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8.) Along with the Attorney General, I will be working with Chief Justice Warren Burger to see that additional judges are provided to South Florida. Additional court rooms will be provided to relieve the backlog of cases that are now pending and to expedite those cases that come up in the future.

9.) I will appoint an on-scene Task Force Coordinator to be headquartered here in Miami to coordinate local, state and federal activities. The job will be to make sure that there is complete cooperation among the many diverse departments and agencies involved in solving this problem. The coordinator will report directly to the Task Force.

10.) The Coast Guard will immediately and significantly increase its forces and manpower in the South Florida area to help in the coming months with the interdiction of illegal drugs and aliens. In addition, there will be no budget cuts for the Coast Guard in South Florida.

11.) In order to increase our intelligence and surveillance, we will put back in operation a sophisticated AWAC's type aircraft. This is a highly efficient and effective method of detecting aircraft entering the area illegally. The Customs Department and other Law Enforcement Agencies will be working closely with this intelligence operation.

12.) Secretary of the Treasury Donald Regan has created a new position in the Internal Revenue Service called Assistant Commissioner for Criminal Investigations. This position will be filled shortly and will allow the IRS to conduct a more aggressive approach to the prosecution of tax related drug crime.

13.) Secretary Haig will work directly with the Governments of Colombia, Bolivia, Peru and Jamaica to cut the flow of illegal drugs into the United States.

14.) The Urban Mass Transit Transportation Administration will provide Metro Dade County with a transit security demonstration grant. This grant will implement a program designed to ensure passengers' security on public transit buses. The program involves the use of plainclothes decoys working in cooperation with uniformed officers.

15.) I have established a sub-group of the Task Force headed up by the Department of Justice to look at the problems and find solutions to the overcrowding of federal jails and prisons. This Task Force wants, and will have, federal facilities to keep criminals off the street.

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16.) We are working with the Congress, the Departments of Justice and State to expedite the implementation of the President's immigration policy aimed at assisting the South Florida area. In his testimony before the Congress, the Attorney General said, "The Administration is determined not to permit another Mariel."

I am confident that these actions will be of significant assistance, not only in fighting crime but in preventing the influx of illegal immigrants. While it is a lengthy list, there is much, much more to be done. The process of consultation and coordination between the federal establishment and those of you at the local level must and will be improved.

Despite the efforts and the role of the federal government, it is evident that what we accomplish will be accomplished only by working together. I have been greatly impressed by local and state officials and the various civic groups that have done such an outstanding job faced with overwhelming odds and tremendous difficulties.

The door of the Task Force is open to you and we welcome all who come in a spirit of cooperation and concern for this area. If we are to be successful, we must work together. We must put aside whatever differences there are today or may have been in the past.

I am determined that this Task Force operate in a truly non-partisan fashion. If we are to succeed, we will need the advice, counsel and full support of Republicans, Democrats and independents alike. The job is too big and and difficult.

I will be back in Miami to see first-hand what I hope will be meaningful progress. Admiral Daniel Murphy, my Chief of Staff and chairman of the Task Force's working group, will remain for the next few days in Florida along with other officials of the working group to meet with State, local and civic leaders in laying the groundwork for this joint effort.

In the meantime, there will be many others from the federal level working both here in the area and in Washington with your State and local officials in doing what we must in order to restore to the people of this region the quality of life that they once knew.

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